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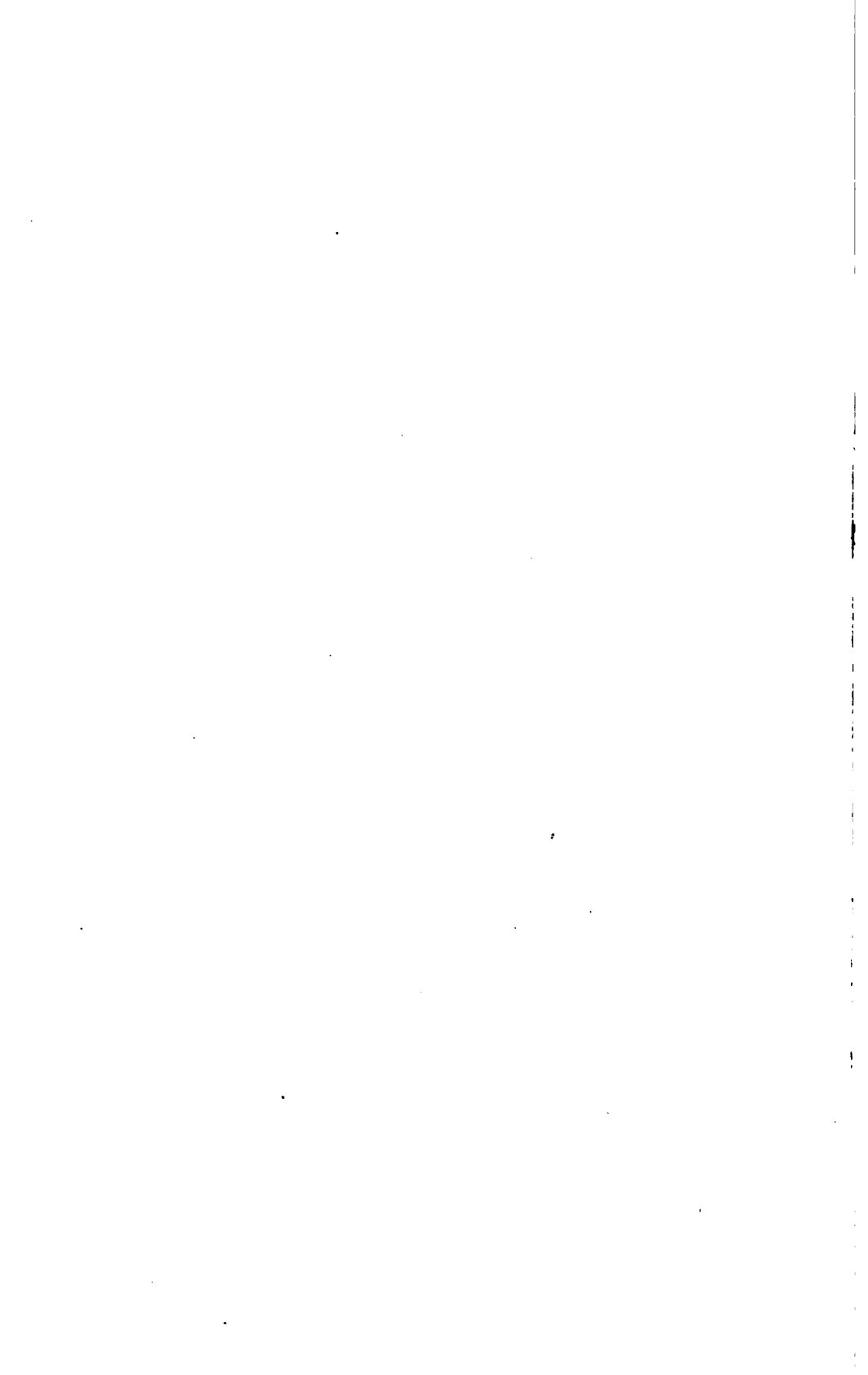
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HEARINGS

BEFORE

SUBCOMMITTEE

OF

U. S. Congress.

HOUSE COMMITTEE ON APPROPRIATIONS,

CONSISTING OF

MESSRS. BRECKINRIDGE, KY., SAYERS, WASHINGTON,
CANNON, ILL., AND HENDERSON, IOWA,

IN CHARGE OF

GENERAL DEFICIENCY APPROPRIATION BILL FOR 1894
AND PRIOR YEARS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1894.



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GLS 148-16

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GENERAL DEFICIENCY APPROPRIATION BILL FOR 1894 AND PRIOR YEARS.

The subcommittee of the Committee on Appropriations, having under consideration the general deficiency bill, conducted the following hearings, Hon. JOSEPH D. SAYERS in the chair.

FRIDAY, March 2, 1894.

EASTERN CHEROKEE INDIANS.

STATEMENT OF MR. GEORGE H. SMATHERS.

Special Assistant to the U. S. attorney for the western district of North Carolina, in charge of the litigation of the Eastern Band of Cherokee Indians in two causes, to wit, the Eastern Band of Cherokee Indians *v.* William H. Thomas *et al.*, and The United States *v.* William H. Thomas *et al.*

MR. BRECKINRIDGE. Proceed and make your statement about this matter as briefly as you can.

MR. SMATHERS. I suppose in order to give you a correct insight into the case, it would be necessary to read the recommendation of the attorney.

The CHAIRMAN. We will read that.

MR. SMATHERS. This Eastern Band of Cherokee Indians in North Carolina numbers about 1,300 persons. They held the title to their lands by two deeds, claiming, in the first place, by purchase. One deed was executed by William Johnston and wife to the Eastern Band of Cherokees in pursuance of a warrant made to the Eastern Band *v.* William H. Thomas *et al.*, which case was referred to 3 arbitrators.

The CHAIRMAN. All that appears in this brief before us?

MR. SMATHERS. Yes, sir.

MR. BRECKINRIDGE. The Attorney-General recommends that there shall be an appropriation of \$68,000?

MR. SMATHERS. Yes, sir; to pay the occupants of the land awarded to these Indians under decision of the U. S. circuit court.

MR. BRECKINRIDGE. This grew out of a treaty with the Indians by which the Cherokees remained in North Carolina, and they were to have transportation, etc.; and this agent was given the money to purchase land, and he took the title in his own name. There was land inside of the boundary held by occupants.

MR. SMATHERS. Those are not the real facts, though you have got the general outline. The man had purchased the land with the funds belonging to the Indians and had taken the title to himself and sold under execution in favor of one Johnston against Thomas, and Johnston obtained sheriff's deeds for numerous tracts of this land. Thomas was made defendant in this suit with the Cherokee Indians. The allegation was that Thomas had been furnished the money for the purpose of purchasing the land, and that Johnston had had these lands sold under execution. When the award was made the arbitrators decided that Thomas had contracted to purchase and did purchase the Qualla boundary, and that Johnston had sold the same under execution in his favor. They did not give any direction or any award as against Thomas, unfortunately, but said that Johnston should convey a legal title to the Indians.

MR. BRECKINRIDGE. Johnston had sold to the occupants?

MR. SMATHERS. No; Johnston had not. The trouble was this: The arbitrators in making the award found, as a matter of fact, that Thomas had extinguished the title of all the whites in that boundary, except one tract of 344 acres. They awarded the title papers to 20,000 acres in that section and that the title papers should be delivered over.

MR. BRECKINRIDGE. Those title papers were lost?

Mr. SMATHERS. The title papers were lost, as was alleged, by the carelessness and laches of the United States officials in charge of this litigation carried on under act of Congress. Those title papers must have been in the hands of the arbitrators at the time the award was made. They were lost or destroyed. Another North Carolina grant issued under the patentee, and the State does not pretend to keep any correct survey; the State is, therefore, not estopped. These land titles not having been recorded prior to 1885, there was no provision requiring the titles to be registered. Each legislature extended it from time to time until a man might carry the deed without registration for forty years. The title papers were turned over to one Rawlins, and he got into a difficulty about the register's fee. He turned the papers over to the United States clerk's office. Some of the papers got into the Indian Office, some got elsewhere and were lost. I have been looking for them for two years, and it is certain that they can not be found. That leaves the occupants holding under State grants, and gives them prima facie a good title. The last suit was brought for the purpose of carrying into effect the award made in the former litigation, setting apart lost titles, etc.

Mr. BRECKINRIDGE. If this appropriation be made, to whom will this money be paid?

Mr. SMATHERS. It is to be paid to those in possession of the land inside of the Qualla boundary.

Mr. BRECKINRIDGE. They will execute title to the Indians?

Mr. SMATHERS. I think there can be no question but what the Indians would have a good title if this is done. The legislature in 1889 passed an act ratifying another act and holding that the grant and deeds executed to the Eastern Band of Cherokee Indians by Johnston and others was good. That act of the legislature had a proviso that the act should not apply to existing claimants. It would have been unconstitutional had it not made that proviso. Since that time no further trespasses have been committed on the land; and if this compromise is entered into, all the rights, titles, and deeds vested in the Eastern Band by this act of the legislature will be a future protection against all depredations on the land.

Mr. BRECKINRIDGE. So that the obligation of the United States arises from the fact that it was the custodian of the money of the Indians. The Government paid the money to an agent to be invested for the benefit of these Indians, and the agent invested it in his own name. This is simply for the purpose of clearing the titles and turning over that property to the Indians, which property would have been turned over to them if the agent of the United States had been honest, and had not invested it in his own name? When was this investment made?

Mr. SMATHERS. The treaty was made in 1835, and the first act of Congress was in 1846, in which this money was authorized to be paid. The Government paid the money out from time to time, and from time to time the agent invested it. He projected the scheme as early as 1840. It was a natural boundary. Attorney-General Garland says in bill, filed by him in 1888, that this money was to a large extent allowed to remain in the hands of Thomas to be invested for these Indians.

Mr. BRECKINRIDGE. Has the Attorney-General, or anyone, drawn up and sent to us the exact form of the provision which you want put into the bill?

Mr. SMATHERS. He has not. He supposed that that should be left to the committee or to Congress. I can tell you what he wants.

Mr. BRECKINRIDGE. I think you had better have it drawn in the office of the Attorney-General, and have it sent to us in the exact form in which he wants it to appear in the bill. We can then take it, and modify it or not, as it seems best.

Mr. LIVINGSTON. Into whose hands will this money go?

Mr. SMATHERS. Into the hands of the Attorney-General.

Mr. LIVINGSTON. What is he going to do with it?

Mr. SMATHERS. He will pay it out in pursuance of the agreements. Those agreements are voluminous.

Mr. LIVINGSTON. Are the parties mentioned by name?

Mr. SMATHERS. Yes, sir; and the amounts to be paid them. The basis of the compromise is made upon the idea that there are 100 acres in the Qualla boundary. If by survey an error is found, then there is a deduction to be made for the shortage. There are 33,000 acres of the land, which I think will fall short, when it is surveyed, probably 4,000 acres. The estimate is fixed at the maximum sum to be required, as the Attorney-General did not want to be compelled to ask Congress for another appropriation.

Mr. CANNON. I see the Attorney-General has submitted a statement here, and Hon. Scott Wike, Acting Secretary of the Treasury, recommends the confirmation of the agreement. I have been glancing over this hastily, and the trouble seems to be that 65 or 70 families have settled upon the lands under State grants. What is the aggregate of their holdings?

Mr. SMATHERS. About 45,000 acres, more than one-half of the Qualla boundary. There are 70 families in possession of about 20,000 acres, and this other 33,000 acres

is subject to survey. There are 2 or 3 families on it. These mountainous lands are not so valuable per acre.

Mr. CANNON. What has become of this man Thomas?

Mr. SMATHERS. Thomas is dead.

Mr. CANNON. Will any of this money accrue to him, or to anybody under him?

Mr. SMATHERS. There will be some money that will accrue to his children, but not as the heirs of Thomas, but as the heirs of their mother. It will come through an independent source, James R. Love.

Mr. CANNON. Is there any collusion?

Mr. SMATHERS. Not the slightest.

Mr. CANNON. What is that land worth?

Mr. SMATHERS. The compromise for 33,000 acres is on the basis of \$1.25 per acre. The land is worth from \$1.50 to \$2 per acre.

Mr. CANNON. There are about 12,000 acres in controversy.

Mr. SMATHERS. Somewhere from twelve to twenty thousand acres. That is where the 65 or 70 families live.

Mr. CANNON. Have you footed up the estimated aggregate value of these lands?

Mr. SMATHERS. The aggregate value of the land held by those 65 or 70 families is \$24,552. The holders make a concession to the extent of one-fourth. The value of the land is about \$90,000.

Mr. CANNON. Is that value estimated as they appraise land when they want to borrow money on it, or is it estimated where they want to pay the money down?

Mr. BRECKINRIDGE. Or when they want to pay taxes?

Mr. SMATHERS. It is not estimated on the taxable value.

Mr. CANNON. How much would that land be worth if a man wanted to buy it for cash?

Mr. SMATHERS. I do not believe he could buy the land, because the people are averse to leaving there. I spent a great deal of time looking over the land, and made a house-to-house canvass. The estimate was upon what the land would bring if it were sold for cash.

Mr. CANNON. Two years ago land would sell for 50 per cent more than it would now.

Mr. SMATHERS. There would be about 25 per cent difference in that country. I do not think it would be over that.

Mr. CANNON. There is a good deal of land to which these Indians are entitled outside of this. For probably one-half of that tract there is no question, and this proposition to quiet the titles of the other half, estimated on the valuation of a year ago, and it is estimated that the claimants or those holding adverse claims, yield probably 25 to 30 per cent of their valuation, and that the Government yields 66 per cent or over, and that makes a settlement.

Mr. SMATHERS. But not based upon the value of a year ago.

Mr. CANNON. It is based upon the time the transfer was made.

Mr. SMATHERS. It is a fair valuation, according to the way lands are selling in that locality.

Mr. CANNON. Are not these Indians land poor already?

Mr. SMATHERS. No, sir; there are 1,300 of those Indians, and they occupy principally a territory comprising 25,000 or 30,000 acres; and of course it is understood that there is sufficient land, and that the timber can be cleared up for cultivation. If I had a map, I could illustrate it to you.

Mr. CANNON. There are 1,300 of them, which would give them over 230 acres apiece.

Mr. SMATHERS. All of the 1,300 do not reside within this Qualla boundary.

Mr. CANNON. If the Government is going to make good the laches and short-comings of this agent, would these Indians not be better off if they had their lands in severalty, and every tub stood on its own bottom, giving the money in trust, and letting claimants take the land?

Mr. SMATHERS. The objection to that is that the proposition has been submitted to the Indians and they decline it. The Indians sent a memorial to the Attorney-General, and there was considerable controversy about the value of this land. They held out a long time and refused to accept any terms which were satisfactory to the Department of Justice. Finally, they came to terms. After the valuation was made known to the Indians the matter was discussed. They would not accept a valuation which was satisfactory to the Department of Justice. They sent a communication agreeing to take a certain sum, but expressed a desire to have the land, for the reason that, if those Indians were left in there, they would be subject to further encroachments by the whites. They do not want the whites in there; and, furthermore, the various tracts are near the Cherokee training school, and they desire that part of the land for that reason. They want to induce the Indians outside to come in and take advantage of the training school. They very much prefer to have the land than the money.

Mr. BRECKINRIDGE. How much has Congress appropriated for this, so far?

Mr. SMATHERS. From first to last, about \$30,000, I presume.

Mr. BRECKINRIDGE. How much have the Indians received as a result of that litigation?

Mr. SMATHERS. Nothing, unless by accident one has gone out with a surveying party. The Department of the Interior has furnished money for registering some of those title papers; but the amount would not be more than one or two hundred dollars. I am not sure but that was charged to the Cherokee Band of Indians.

Mr. BRECKINRIDGE. How much has been recovered as a result of the litigation up to this time?

Mr. SMATHERS. Substantially, nothing. Some land has been recovered outside of the Qualla boundary, but nothing inside of it. Contracts have been entered into by which parties agree to substitute other lands outside of the boundary. This first suit of the Eastern Band of Cherokees did secure a title.

Mr. BRECKINRIDGE. To how much?

Mr. SMATHERS. To 35,000 acres.

Mr. BRECKINRIDGE. What is the Qualla boundary?

Mr. SMATHERS. The Qualla boundary consists of 75,000 acres of land lying on the Soco Creek, in Jackson County, and on Ocona Luffy River in Swain County, N. C.

THURSDAY, March 22, 1894.

INTERNAL REVENUE.

STATEMENT OF HON. JOSEPH S. MILLER, COMMISSIONER OF INTERNAL REVENUE.

The CHAIRMAN. You ask for a deficiency of \$4,000 for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses. Is this an ascertained deficiency?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Do you need that amount?

Mr. MILLER. Yes, sir. You see these people have to be assigned to duty in order to meet the demands of the service without regard to the amount of money appropriated.

The CHAIRMAN. So this appropriation is absolutely necessary and is an ascertained deficiency?

Mr. MILLER. Yes, sir.

Mr. CANNON. That is enough and will put you through the year?

Mr. MILLER. Yes, sir.

DEPARTMENT OF STATE.

CONTINGENT EXPENSES.

STATEMENT OF FRANCIS J. KIECKHOEFER, CHIEF OF BUREAU OF ACCOUNTS, ACCOMPANIED BY MR. ARMSTRONG, DIPLOMATIC DIVISION, FIRST COMPTROLLER'S OFFICE, TREASURY DEPARTMENT.

The CHAIRMAN. You are here to represent the State Department?

Mr. KIECKHOEFER. Yes, sir; together with Mr. Armstrong, of the Treasury Department, who has also come down to explain certain items which come through the Treasury Department, although the estimates come from our office.

The CHAIRMAN. You ask on the first page for contingent expenses, for care and subsistence of horses and repairs of wagons, carriages, etc., \$1,300. Your estimate for this year was \$3,500 and you got \$3,000. How is it that your deficiencies are running a thousand dollars more than your estimates?

Mr. KIECKHOEFER. Four thousand eight hundred dollars used to be our appropriation, but it was cut down for some reason or other. We did get \$1,300 once extra to buy a carriage for the Secretary of State which brought it up to \$4,800.

The CHAIRMAN. When did you do that?

Mr. KIECKHOEFER. That was three or four years ago.

The CHAIRMAN. I am speaking of the estimate, your estimate for 1894.

Mr. KIECKHOEFER. I will tell you why that was. We had orders from the Secretary of State to make estimates on the same line as the appropriations had been made. We had put in the amount needed at first, and then the order came and the estimates were revised and sent into Congress for 1894 the same as Congress had given in 1893, and that is why it did not appear in the estimates for 1894. Here is

a little explanation in the appendix here why we need that \$1,300. I notice that there is a mistake in one item of expenditure to be incurred to the 30th of June, and there is a fact which does not appear in the statement. We got \$900 in addition to the \$3,500 in 1893, which brought it up to \$4,400 for that year.

The CHAIRMAN. This is an itemized statement—

Mr. KIECKHOEFER. Of what we have spent up to the 31st of December out of the contingent fund, and what we think we will need for the other six months. Some of these things are the exact amounts. Here is the rent of stable which is exact; gas, which is at a low estimate; here is feed, which is almost exact; harness and repairs, that is an estimate. We really need new harness, but we can not buy it—it would take \$100 alone; repairs of carriages and wagons, we have already paid a bill of \$37; the telephone service is right; shoeing of horses is exactly right, that costs \$13 a month. In regard to newspapers that is an estimate, but it is about what we have been paying every year, about \$330 a year for newspapers; car tickets is about what we will need; washing towels is an absolute amount; care of clocks is the same; ice is exactly right; and matches, that is an estimate; expressage is an estimate. Then there are other things—here is one thing, cotton cloths for press copying; that is a mistake, it should be electric fans.

The CHAIRMAN. Well, we will go to the next item.

Mr. KIECKHOEFER. One thing—you know we got \$900 last year in addition to the \$3,500. Our appropriation for last year was \$3,500, and we had a deficiency appropriation of \$900, so we really got \$4,400. There are several things that have been cut down. We used to have two more telephones; and we cut every place we could.

BUREAU AT BRUSSELS.

The CHAIRMAN. Have you anything to say in regard to the item of bureau at Brussels?

Mr. KIECKHOEFER. I have brought down the treaty with the places marked which refer to this matter of payments. It appears now for 1892; that is the first account we have had. We do not put in an estimate in advance for that, but we waited until we got the account of the Belgian Government, and this is the first account that is in. The obligation for the payment appears in the treaty, and I thought I would bring down a copy of the treaty, although Ex. Doc. No. 72 has the extracts.

The CHAIRMAN. This account has been transmitted to the State Department?

Mr. KIECKHOEFER. By the Belgian Government; yes, sir.

Mr. CANNON. And the amount paid is by virtue of treaty stipulations?

Mr. KIECKHOEFER. Yes, sir.

CHARGÉS D'AFFAIRES, SALARIES OF.

The CHAIRMAN. The next item is, salaries of *chargés d'affaires ad interim*. You had an estimate of \$20,000 and you had an appropriation of \$20,000, and now you ask for \$8,853.96 as a deficiency. Why is that?

Mr. KIECKHOEFER. Because some ministers' posts have been left vacant longer than we expected them to be in the matter of new appointments and the secretary of legation has acted in some places for six months. We do not expect the secretary of legation to act more than sixty days, or possibly three months in the event the minister gets permission to come to the United States, but in some places these posts have been vacant six and eight months and that could not be foreseen. We presumed when a minister retires the vacancy would be filled, but on change of administration a great many ministers came home and the places were not promptly filled, so the secretaries have been acting.

The CHAIRMAN. Are these ascertained deficiencies?

Mr. KIECKHOEFER. Yes, sir; this gentleman, Mr. Armstrong, can tell you about them exactly. They have been ascertained by the accounting officers of the Treasury Department.

The CHAIRMAN. What is the law regulating the compensation of *chargés d'affaires*?

Mr. KIECKHOEFER. Under the law of 1856—I was looking the thing up with the solicitor of the Department—there is no specific law, I believe, applying directly to this case, but it is a congregation of laws and general principles deducible from them, under which they have been paying money in this way to *chargés d'affaires*.

The CHAIRMAN. You have no specific provision authorizing the payment?

Mr. KIECKHOEFER. I do not know of any, except, of course, the appropriation reads this way, but I do not think in the organization of the diplomatic service there is specific provision for *chargés d'affaires ad interim*, but I would like to send up a statement in regard to the way we conclude about that and the way the law reads.

The CHAIRMAN. How much do you allow?

Mr. KIECKHOEFER. We allow half the minister's salary. If a minister gets \$12,000

a year we allow this man at the rate of \$6,000, and in the case of the minister to the Court of St. James of course he would get \$8,750, at that rate.

The CHAIRMAN. That is a matter of discretion with the Department?

Mr. KIECKHOEFER. Not entirely; I think the law in the case where a Secretary acts that way, the organic law fixes the rates. The way we fix the salary at half of the minister's salary is because the law of 1856 says in the case of an envoy extraordinary, the chargé would get so much per cent, and in the case of a minister resident the chargé would get so much per cent of that, so that the law provides that when there is a chargé his compensation is 50 per cent of the envoy's salary.

The CHAIRMAN. How long has this custom obtained in this Department?

Mr. KIECKHOEFER. Ever since I have been there, and I have been there for twenty years, and I do not know how long before that except one year when Congress declined to appropriate. I think Wyckoff Hoffman was one, and I do not know but Nicholas Fish was another, who did not get paid, and never have got paid, although they tried several years afterwards to get a bill of relief. I think that was in 1876 or 1877 that they did not pay the chargés d'affaires.

The CHAIRMAN. Did not the law prohibit it?

Mr. KIECKHOEFER. It prohibited it for that year. They act as chargé and they incur a good deal of expense. The idea is when the minister is away the chargé will keep up the dignity and respectability of the Government, you understand.

The CHAIRMAN. Are not these chargés d'affaires paid salaries as secretaries of legations?

Mr. KIECKHOEFER. No, sir; when they act as chargés they only get half of the salary of the minister.

The CHAIRMAN. Is not some one else paid as acting secretary of legation?

Mr. KIECKHOEFER. No, sir.

The CHAIRMAN. This pay is not additional to their salaries as secretary?

Mr. KIECKHOEFER. They get it out of another appropriation, and the salary of secretary just lapses into the Treasury. When they act as secretary there is no salary as secretary drawn and that remains in the Treasury intact.

The CHAIRMAN. When you return to the Department will you send to the committee an itemized statement?

Mr. KIECKHOEFER. Who these men are, etc.?

The CHAIRMAN. I want to know how much was paid them, when, and who they are?

Mr. KIECKHOEFER (to Mr. Armstrong). You can fix that from your books.

The CHAIRMAN. Send the amount and time of service rendered.

Mr. CANNON. These appear to be audited accounts?

Mr. ARMSTRONG. All audited.

The CHAIRMAN. Tell me by what authority you audit these accounts when there is no specific law authorizing these accounts to be made?

Mr. ARMSTRONG. Do you refer to the chargés? I think there is a law that provides—

The CHAIRMAN. But I understand this gentleman—

Mr. KIECKHOEFER. I say I do not know of any, but of course I am not the supreme court in this matter; the Treasury is final.

The CHAIRMAN. I wish you would advise us when you go back as to the law and where it may be found in the statute books.

Mr. ARMSTRONG. I think the Revised Statutes, section 1676, provide what shall be the compensation of chargés d'affaires, and that states that it shall be 50 per cent of the minister's salary. Then there is no special provision that is made for the compensation of chargés d'affaires, but, as Mr. Kieckhoefer stated, there is no way of telling exactly what the amount will be.

The CHAIRMAN. That is not the question I am propounding to you. I want to ascertain by what authority you audit these claims at all?

Mr. ARMSTRONG. The claims are approved by the Department of State and transmitted by it to the Auditor and by him transmitted to the First Comptroller, but they are not certified to the Register by him. They are held in the office, and of course—

The CHAIRMAN. You would not audit any claim, even if it had been certified by the Secretary of State, unless there was a law authorizing you to do so?

Mr. ARMSTRONG. No, sir.

The CHAIRMAN. I would like for you to send the statement to us and also point us to the law under which claims are audited.

CONTINGENT EXPENSES, FOREIGN MISSIONS.

The CHAIRMAN. The next item is contingent expenses, foreign missions?

Mr. KIECKHOEFER. There is a letter which was sent to Congress (H. Ex. Doc. 118) in regard to the estimate for the present year which, I think, applies equally for this

year and also past years. It is the same in principle, although the amount may be a little different, though in regard to the amount that is a matter that is ascertained over in the Treasury Department. There is one item here of a telegraph bill which has not been paid because we did not have the money to pay it, and there is a lot of matters, accounts, which have been adjusted by the First Comptroller, and I believe it does not require much money to be paid by the Treasury.

Mr. ARMSTRONG. It states there in the note the amount to be paid, \$17,670.79, is all covered in fees, while \$17,443.79 of that amount was in the hands of bankers and retained by them out of the consular fees received from the consuls.

The CHAIRMAN. Why is it that you require this appropriation? The law specifies the fees which shall be paid, and year after year a deficiency is asked for this purpose, accompanied by the statement that no money is to be paid out of the Treasury. Now, do not these officials owe the Government this money?

Mr. ARMSTRONG. No, sir. That is, I will say, in this way: These officials have already the money in their pockets, and consular officers are authorized by the regulations to apply the fees that they receive, first to their own compensation, and then to the contingent expenses, then to clerk hire. Well, the consular officer, where there is a surplus of fees, will retain so many fees for his compensation, and then for his contingent expenses, and when that is sent on we get ready to adjust the account and we find out there is not enough money in the appropriation to pay these. Here is an amount that has already been paid, and the account is approved by the Department of State.

The CHAIRMAN. But these accounts are large or small, very often within the discretion of the State Department?

Mr. ARMSTRONG. They are always approved by the State Department.

The CHAIRMAN. I wish you would send me an itemized statement in regard to every one of these items on page 4, so we can see how this contingent fund is distributed among the different consulates in foreign countries.

Mr. KIECKHOEFER. It may take us some time to get that up. I would like to submit this letter from the Secretary about the contingent expenses of foreign missions and that explains about how foreign missions go, and I do not believe I can give a clearer statement in regard to foreign missions.

The CHAIRMAN. I understand about foreign missions, but I want to see how much *chargés d'affaires* are paid, and for what length of time at the various places. Will you furnish us this statement as soon as you can?

Mr. KIECKHOEFER. Yes, sir.

FRIDAY, March 23, 1894.

PAYMENT TO DONALD MACMASTER.

STATEMENT OF MR. GEORGE W. MAHER, DIVISION SPECIAL AGENTS, TREASURY DEPARTMENT.

The CHAIRMAN. To pay Donald Macmaster, attorney at law, Montreal, Canada, for services and expenses incurred in defending Deputy Collector of Customs E. H. Twohey, etc. What is that case about?

Mr. MAHER. It is a case of smuggling by an English tailor named Milloy. Mr. Smith and Mr. Twohey were informed that an employé of Milloy had information of smuggling and they met this employé who wanted a written agreement to pay him a certain sum, and the officers told him they could not give such an agreement but referred him to the law providing the compensation of an informer and stated if he gave the information they would see to it.

*That was made the basis of the charge of conspiracy and an attempt to bribe, and Twohey and Smith were arrested in 1892 and tried and discharged. This firm defended them for the reason the Attorney-General had no appropriation from which he could pay a U. S. lawyer even if he would have been permitted to practice in Canada, and the Secretary recommended to your committee last year to pay the bill of the firm in the sum of \$1,050, which sum you appropriated. A second case was brought against these officers, and after a good deal of correspondence through the Department of State the same legal firm continued to defend them, and on the trial of the second case they were again discharged and this appropriation is to pay for this second case.

The CHAIRMAN. What was the amount of fee allowed to them?

Mr. MAHER. There was no agreement made. The officers summoned the lawyer and the Department of State told them that it would sustain their action.

The CHAIRMAN. They have already been paid?

Mr. MAHER. One thousand and twenty-five or one thousand and fifty dollars.

The CHAIRMAN. That is for one case?

Mr. MAHER. Yes, sir.

The CHAIRMAN. They had but two cases?

Mr. MAHER. Yes, sir.

The CHAIRMAN. Involving the same question?

Mr. MAHER. Practically.

The CHAIRMAN. Do not you think this additional fee is pretty large?

Mr. MAHER. I thought so at the time, that \$1,500 in excess of the first fee was large.

The CHAIRMAN. Do not you think \$1,000 was an excessive fee the first time?

Mr. MAHER. My personal opinion is, yes, sir.

The CHAIRMAN. Do not you further think \$1,000 was sufficient for the two cases?

Mr. MAHER. Well, I would not care to give an opinion on that.

The CHAIRMAN. If \$500 was enough to pay for the first case, what difference was there between the first and second case?

Mr. MAHER. It was \$1,000 for the first case, and they ask \$1,500 for the second.

The CHAIRMAN. If \$500, in your judgment, was enough for the first case—

Mr. MAHER. I will not say \$500 was enough.

The CHAIRMAN. What did you say just now?

Mr. MAHER. I said, in my judgment, it was excessive; but I am not a lawyer.

The CHAIRMAN. I am simply asking for information; you know what the case was?

Mr. MAHER. Well, sir, I regard the second bill as not excessive, for the reason the consul-general at Montreal states that this firm had been watching the case for months and preparing for trial.

The CHAIRMAN. What I ask you is, taking the two cases together, you say they were paid how much last year?

Mr. MAHER. One thousand and twenty-five dollars or \$1,050.

The CHAIRMAN. And now you want to pay \$1,532.98 for the second case?

Mr. MAHER. That is their bill.

The CHAIRMAN. Do you regard that what was paid and what is recommended here to be paid is a fair fee for the two cases?

Mr. MAHER. Yes, sir; in view of the statement I get here from the consul-general.

Mr. LIVINGSTON. Can we get the amount of services rendered; have you a brief in the case?

Mr. MAHER. I have a statement from the consul-general.

The CHAIRMAN. In what court was it brought?

Mr. MAHER. The consul-general in a communication to the Department of State makes that statement, which was made in November last [exhibiting same].

Mr. LIVINGSTON. Who employed these attorneys?

Mr. MAHER. They were summoned in the first place by the arrested officer, Smith, and subsequently the attorney-general was consulted, and he stated that he had no appropriation from which he could pay.

Mr. LIVINGSTON. From what law or usage is the Government bound to pay this, if at all?

Mr. MAHER. The Treasury Department informed the officer there was no particular law, and that the subject would have to be referred to Congress.

Mr. LIVINGSTON. Is the Government under a pledge?

Mr. MAHER. No, sir; but—

Mr. LIVINGSTON. Did these men, Smith and Twohey, pay their own counsel fee?

Mr. MAHER. They were arrested as officers in the discharge of their duty.

Mr. LIVINGSTON. Is it customary for the U. S. Government to pay it?

Mr. MAHER. It has been done; I recollect a case where a man was shot and killed by an officer, and the attorney-general defended him all through the trial.

TREASURY DEPARTMENT.

CONTINGENT EXPENSES.

STATEMENT OF MR. W. H. HILLS, SUPERINTENDENT'S OFFICE, TREASURY DEPARTMENT.

The CHAIRMAN. How much of the appropriation for contingent expenses for the fiscal year of 1894 have you on hand now?

Mr. HILLS. Beginning with newspapers, etc., we have \$6.

The CHAIRMAN. And you want \$300 more?

Mr. HILLS. Yes, sir.

The CHAIRMAN. How much do you generally expend a month?

Mr. HILLS. Well, the appropriation last year was \$2,000. This appropriation was

used to buy binding material for all binding we do at the Treasury Department and books of reference. This year we have been unable to buy any city directories, which are very essential in the transaction of our business, and it is estimated that to purchase these directories alone will approximate closely to \$300. We have to have directories of other cities for the use of the Treasurer's office, and Register's office in connection with Government registered loans in getting addresses, etc. Then we ought to have some bankers' almanacs and other books of reference, so that the estimate is very low for a deficiency. You see it is \$700 less than the amount you gave us last year.

The CHAIRMAN. I see for the fiscal year 1893 you want \$17; that is an ascertained amount?

Mr. HILLS. Yes, sir.

The CHAIRMAN. For freight, expressage, telegraph, and telephone service, \$3,000. Your estimate was \$3,500. Why do you want \$4,800 for this year?

Mr. HILLS. It is owing to the fact that it was decided by the auditing officers of the Treasury Department that the telegraphing in connection with the World's Fair was a proper charge to this appropriation.

The CHAIRMAN. What was the amount of telegraphing on account of the World's Fair?

Mr. HILLS. I could not give it as a separate item, but I can give you actual authorized expenditure for telegraph service up to January 1, 1894; that was \$1,782, leaving \$566 yet to be provided for.

The CHAIRMAN. This is for telegraphing alone?

Mr. HILLS. Yes, sir. That includes, you see, the expense in connection with the whole Department, in all its bureaus, etc.

The CHAIRMAN. Suppose \$3,000 were allowed you, how would you apportion the amount between freight, expressage, telegraph and telephone service?

Mr. HILLS. Well, I will go into that subject a little further. When our appropriation began to run very close and very short, I will say, we ordered out 4 or 5 telephones from the buildings which were very necessary, and it put us to a considerable inconvenience, but at the same time, in order to economize, we put up with that inconvenience. Take the superintendent's office, where we are dealing with many business houses in connection with the purchase of supplies; now we use the telephone of the captain of the watch. The stationery division also had a telephone through which they did business with the Government Printing Office maybe 30 or 40 times a day. We have taken that out and sent them to the captain of the watch. Assistant Secretary Hamlin had one in his room and we put that out in the corridor and made a sort of a general telephone station of it.

Mr. LIVINGSTON. You have not suffered anything?

Mr. HILLS. Only the inconvenience, that is all. Of course the business has gone along.

The CHAIRMAN. Do you think this \$3,000 is absolutely necessary?

Mr. HILLS. I am going to give you a straightforward, honest opinion in regard to all these matters. I think \$2,500 will cover it.

The CHAIRMAN. Will not \$2,000 be sufficient?

Mr. HILLS. No, sir; it will not, in my opinion.

The CHAIRMAN. That makes \$800 more than your estimate?

Mr. HILLS. Yes, sir; because you see the estimates did not anticipate this extraordinary charge arising from the World's Fair business.

The CHAIRMAN. The next item is for purchase of horses and wagons, for office and mail service, to be used only for official purposes, etc. You are asking for \$700?

Mr. HILLS. Yes, sir.

The CHAIRMAN. How much of the appropriation of \$2,500 have you on hand?

Mr. HILLS. Only \$117.

The CHAIRMAN. You can not buy horses and wagons out of \$700?

Mr. HILLS. The object of this estimate is to provide necessary forage and repairs. We do not contemplate buying additional horses and wagons.

Mr. LIVINGSTON. What is this \$700 for?

Mr. HILLS. For purchase of forage, repairs, etc., and maintaining the stables.

Mr. LIVINGSTON. What are these horses used for?

Mr. HILLS. We haul freight from the Department, haul money from the Treasury building, etc.

The CHAIRMAN. Are these wagons and horses which I notice very frequently at the Department, great big wagons, maintained by the Department?

Mr. HILLS. There is one wagon, a great inclosed wagon, which is maintained by the Bureau of Engraving and Printing; we haul money to the building in that wagon.

The CHAIRMAN. Are they maintained by the Treasury Department, that is what I want to know?

Mr. HILLS. Yes, sir.

The CHAIRMAN. And they are supported out of this appropriation?

Mr. HILLS. Those two particular horses, that are supported out of this, haul macerated money from the building to the Bureau of Engraving and Printing, and we have to haul freight, stationery, carpets, etc., and all the hauling of medicine from the Butler building, and all the mail; we have four or five mail services a day.

The CHAIRMAN. How many horses and wagons are maintained under this item?

Mr. HILLS. Nine horses and eight wagons.

Mr. LIVINGSTON. What do you do with the odd horse?

Mr. HILLS. Well, we use three horses at one time. For instance, we send out a big wagon at one time and then there is another time when we send out a small mail wagon; we interchange in that way. In the morning it is necessary to have two horses to haul the mail and then another mail service does not require so large a wagon.

The CHAIRMAN. Are these wagons constantly employed?

Mr. HILLS. Yes, sir.

The CHAIRMAN. So you need the \$700?

Mr. HILLS. Yes, sir; we have not done any repairing this year at all to speak of. You can not tell what moment we will need \$150 or more to repair those wagons.

Mr. LIVINGSTON. Do you absolutely need those 9 horses?

Mr. HILLS. Yes, sir.

Mr. LIVINGSTON. Can not you get along with fewer horses?

Mr. HILLS. No, sir; we ought to have 1 more horse. We ought to have 10 horses.

Mr. LIVINGSTON. It seems to me you ought to have either 8 or 10?

Mr. HILLS. We had a horse die, and we have not been able to replace him, for we have not had the money to buy him, and we have got along the best way we could.

The CHAIRMAN. The next item is for the purchase of ice, \$1,200. How much of this appropriation do you absolutely need?

Mr. HILLS. Last year we only paid 18½ cents a hundred pounds for ice, but this year we are paying 28 cents.

The CHAIRMAN. Why was that?

Mr. HILLS. There was a combination organized among the ice dealers, a pool formed, and they put up the price to 32 cents, and as soon as they did that all of the Departments rejected their bids and formed a combination against the ice dealers, and they advertised and invited bids at Philadelphia and other places and tried to get outsiders to come in, but the time was so limited that we did not have an opportunity to consummate our arrangements and we had to drop that and make terms with the local dealers at 28 cents.

The CHAIRMAN. So the ice costs 10 cents per hundred pounds more?

Mr. HILLS. An increase of about 49 per cent as compared with last year—between 48 and 49 per cent.

The CHAIRMAN. How much does that make it per pound?

Mr. HILLS. That would be 28 cents a hundred. There was so much uncertainty in regard to this subject that the consideration of this matter drifted along so far that the Secretary determined he would not create a deficiency, and we cut the ice right down to the lowest possible notch; as a matter of fact the amount of ice they have been supplying is a mere apology.

The CHAIRMAN. Do you think this amount is absolutely necessary?

Mr. HILLS. No, sir; in view of the economy we have exercised \$1,000 will carry us.

The CHAIRMAN. You could not do with less?

Mr. HILLS. No, sir; I do not think we could.

The CHAIRMAN. The next item is for the purchase of fileholders and file cases, \$1,000.

Mr. HILLS. You can pass that; just strike it out. We have adopted a new scheme which will obviate that appropriation.

The CHAIRMAN. What about this next item for washing and hemming towels, etc.? Do you want that entire appropriation of \$2,000?

Mr. HILLS. No, sir.

The CHAIRMAN. How much do you need?

Mr. HILLS. \$1,000.

The CHAIRMAN. The next item is for furniture for public buildings.

Mr. HILLS. That is \$273 simply.

The CHAIRMAN. That is an ascertained amount?

Mr. HILLS. Yes, sir.

The CHAIRMAN. Is the account all right?

Mr. HILLS. Yes, sir. We made a contract for some furniture for the Chicago post-office and after the contract was made it was discovered that they wanted some additional furniture, and without consulting the Department they went to work and directed the contractor to make these three or four additional pieces of furniture and submitted the vouchers. At first the Department declined to pay it, and after making inquiry and finding the articles were absolutely necessary and there being

new officials there who did not understand the regulations of the Department, the Secretary decide to approved it and refer it to Congress. It is all right, the prices were very reasonable, and everything is proper.

The CHAIRMAN. Let us hear from you in regard to this next item of assistant custodians and janitors, which is "to pay John Kilroy \$97.50 and John J. Malloy \$78 for services rendered during the fiscal year 1889," etc. What about this?

Mr. HILLS. Well, as a matter of fact, that was all before I had any connection with it. Since that time this matter has been transferred to the superintendent's office. At that period it was in the appointment division, and the expenditure from the appropriation on the 1st of April of that fiscal year went way in excess of the appropriation, so that along in the spring it became necessary to reduce, discharge, and cut salaries all along the line. I think those two men at Columbus were discharged by direction of the Secretary of the Treasury, but I understand they continued to render services and this matter has been presented to the Department from time to time since. I think Mr. Outhwaite, of Columbus, is particularly interested in the case and probably can throw more light upon the subject than I can, but those are the facts as appear from the records of the Department.

Mr. LIVINGSTON. Then, I understand, this amount is to discharge a debt in their favor which was created after they were discharged from service?

Mr. HILLS. Yes, sir; for unauthorized labor or services.

Mr. LIVINGSTON. Does the Department feel in any way morally or legally bound?

Mr. HILLS. I do not know.

Mr. LIVINGSTON. Are these the only parties interested in this way; are there not other parties also interested?

Mr. HILLS. There were a large number discharged throughout the country.

Mr. LIVINGSTON. But if these two men are paid will not the others follow suit?

Mr. HILLS. It strikes me that will be establishing a precedent; that is merely my individual opinion.

Mr. LIVINGSTON. I understand that. I suppose there is no doubt that these men received notice of their discharge; they do not put in that plea?

Mr. HILLS. I do not think they make that plea.

Mr. LIVINGSTON. Do you know their plea?

Mr. HILLS. Simply that the exigency of the service required them to do this work and the custodian sanctioned their continuance at work.

Mr. LIVINGSTON. He took the responsibility?

Mr. HILLS. Yes, sir; I presume services were rendered in good faith by these men in expectation of being paid.

Mr. LIVINGSTON. When you say "in good faith," you mean they took their chances of being paid?

Mr. HILLS. Yes, sir; the services having been approved, to a certain, extent by the custodian of the building.

Mr. LIVINGSTON. Did he have legal authority to do this?

Mr. HILLS. No, sir; not any more than I have.

Mr. LIVINGSTON. Do you know how many discharges of this kind were made; could you give an estimate?

Mr. HILLS. No, you see 1889 is way back; and as I stated before, while this matter was developed in the superintendent's office that they were in excess of the appropriations and made out a list or a schedule showing the reductions and discharges which should be made, it is so long since that I have forgotten the details. I will state that Mr. Belden of New York had this information in his possession once in the Fifty-first Congress. At that time the wages of a number of people were reduced and he secured a deficiency of \$9,000 or \$10,000 to pay them the full amount that they were to receive had the appropriation been sufficient.

Mr. LIVINGSTON. Notwithstanding the fact their wages had been reduced?

Mr. HILLS. I think a deficiency of that sort went through.

SATURDAY, *March 24, 1894.*

LIGHT-HOUSE ESTABLISHMENT.

STATEMENT OF CAPT. R. D. EVANS, NAVAL SECRETARY OF THE LIGHT-HOUSE BOARD.

The CHAIRMAN. You ask for expenses of buoys, a deficiency of \$3,984.47; is this an ascertained amount?

Capt. EVANS. Yes, sir. I have brought the vouchers here to explain that matter to you. It is for transportation over different railroad lines. These transportation accounts go to the First Auditor after having been approved by the Quartermaster-

General of the Army, but they are generally two or three years behind, so that while we put aside what we expect would be enough to meet the expenses of transportation, still when the bills come in they are frequently more, as in this case, than we anticipate, and of course we can not know until these things come from the Quartermaster-General. Here are the original vouchers in each one of these cases.

The CHAIRMAN. How much of this amount is intended to pay the Pacific railroads, if you know?

Capt. EVANS. I think I can give it to you here. They are all Pacific railroads, except one.

The CHAIRMAN. How much is it exclusive of the Pacific railroads?

Capt. EVANS. \$835.04 to pay the Oregon Short Line and Utah Northern Railroad Company for transportation furnished the Treasury Department March, April, and May, 1892.

The CHAIRMAN. The next item is, "Reimbursement to Albert H. Stilwell and Charles Oleson;" what about this?

Capt. EVANS. These two men were saved from light-ship No. 37, off Cape Delaware, which foundered in the August hurricane, last year, and all the crew were drowned except these two men, and they were in the water sixteen hours and lost everything they had except the clothes they had on.

The CHAIRMAN. There is no doubt about the correctness of the account?

Capt. EVANS. As far as we can get at it. The accounts were sworn to and they are reliable men, and it is the usual amount.

The CHAIRMAN. Have you gone over this item?

Capt. EVANS. Yes, sir; I sent you a list of items of both these men, and I think you will find them on file as they were sent up from the secretary's office. I went over this thing very carefully myself.

The CHAIRMAN. Are there any further items?

Capt. EVANS. I will have to take up these next items which belong to the engineer's department—there are two or three of them—and explain about them, because we have a new engineer secretary who does not know anything about these matters.

The CHAIRMAN. The next item is, "Payment to F. R. Warner?"

Capt. EVANS. Yes, sir. I will tell you all about that. Here is my letter in the appendix explaining that.

(See Appendix E, House Ex. Doc. No. 103, p. 66.)

The Attorney-General authorized the appointment of this man as a special district attorney to assist the district attorney in getting title to sites for St. Marys River lights, and, after the man was authorized, he was employed in doing this work before his appointment was received, and the accounting officers of the Treasury refused to allow payment because they said they could only pay from date of appointment, and this money is to pay him from the time he was actually employed.

The CHAIRMAN. This is for actual service?

Capt. EVANS. Yes, sir.

The CHAIRMAN. What about the next case of "payment to Peter Terrient?"

Capt. EVANS. This is one of Capt. Mahan's appropriations. The light-house at Seul Choix Point, Michigan, was completed and put in operation and the appointment of a keeper was authorized by the Secretary of the Treasury, but before the keeper was appointed the light had been in actual operation and this man had been the actual keeper. The same state of affairs existed as in the preceding item; the accounting officers of the Treasury refused to settle the account because he had gone on duty before the date of his appointment. We do not do that way now because we are differently arranged. The Secretary used to authorize the appointment of a light-keeper and sometimes it would be ten days before the appointment would be made out, and in the mean time somebody had to keep the light, but in that case now we pay a man as a laborer so as to avoid this difficulty, and you see in this case Capt. Mahan explains exactly what occurred. This is a perfectly proper payment, there is no doubt about that.

The CHAIRMAN. And it is not an unusual thing?

The CHAIRMAN. Now, in regard to the next item of "Chandeleur light station, Louisiana."

Capt. EVANS. There is a case which involves no payment of money, but simply authorizes the expenditure of money out of an appropriation already made. The light-house at Chandeleur was erected, and it was found necessary to put up a house for the keeper, and it was put up, and the accounting officers held that a keeper's residence was no part of a light-house and could not be paid for out of an appropriation for the light-house. It had been paid by the engineer officer, and this simply authorizes the payment of that sum out of the appropriation remaining for that light simply to correct these accounts.

The CHAIRMAN. This expenditure was a necessary expenditure?

Capt. EVANS. Oh, absolutely so.

TERRITORY OF OKLAHOMA.

STATEMENT OF MR. C. M. FOREE, FIRST COMPTROLLER'S OFFICE.

The CHAIRMAN. I wish to know, in regard to this item for Territory of Oklahoma, exactly at what date these two additional associate justices were appointed?

Mr. FOREE. One took the oath on January 26, 1894, and the other took the oath on March 1, 1894. I have got here the exact amount; \$2,300 is the exact amount.

Mr. LIVINGSTON. To what time does that complete the salary?

Mr. FOREE. Up to the end of the fiscal year ending June 30, 1894.

Mr. LIVINGSTON. And they are paid from the date when they take the oath of office?

Mr. FOREE. Yes, sir.

The CHAIRMAN. Have you any other item here?

Mr. FOREE. Only the second one in regard to the Utah Commission, to pay amounts found due by the accounting officers of the Treasury Department on account of contingent expenses of Utah Commission, being for the service of the fiscal year ending June 30, 1893, \$41.50. That item was for transportation furnished the Utah Commission. I do not know anything about the preceding one.

The CHAIRMAN. Is this \$41.50 for the Utah Commission an ascertained deficiency?

Mr. FOREE. Yes, sir; that is an ascertained amount, but I apprehend you have been holding that back and not paying it, as most of it was due the Union Pacific Railway; so I reckon what you want to make is the appropriation of the \$1.50; that goes to the Utah Northern Railroad, not a bond-aided road.

The CHAIRMAN. Do you know anything about the character of the appropriation asked for under the head of "Constitutional convention, State of Idaho?"

Mr. FOREE. No, sir; my attention was only directed to these items.

The CHAIRMAN. Will you look the matter up?

Mr. FOREE. Yes, sir; you want to know—

The CHAIRMAN. We want to know all about it. So I will thank you to get as full and complete information as possible.

Mr. FOREE. Yes, sir; as far as our office shows.

, MONDAY, March 26, 1894.

PITTSBURG, PA., SALE OF LAND AT.

STATEMENT OF COL. G. H. WEEKS, DEPUTY QUARTERMASTER-GENERAL, U. S. ARMY.

The CHAIRMAN. How is it that your advertising accounts, printing, and services of auctioneer cost so much money? Has that auctioneer ever done any service yet?

Col. WEEKS. Oh, yes.

The CHAIRMAN. But there has been no sale made?

Col. WEEKS. No; but he assembled the people and went through the motions of a sale, and got out a good many handbills and sent them around to real-estate men. The mistake was not in the auctioneer business.

The CHAIRMAN. This is a fearful expense here of trying to sell a little piece of property.

Col. WEEKS. That is the fault of the newspapers; there are too many newspapers in the land.

The CHAIRMAN. But are you required to advertise in all these papers?

Col. WEEKS. That is the way that was done. We were directed by the War Department to advertise so many times in such and such papers, and the bills come in and they are certified and—

The CHAIRMAN. Why did you advertise in the Cincinnati Commercial Gazette?

Col. WEEKS. That was our order.

The CHAIRMAN. Why did you advertise in the New York Tribune?

Col. WEEKS. For the same reason.

The CHAIRMAN. This property is at Pittsburg?

Col. WEEKS. Yes, sir.

The CHAIRMAN. You advertised in six Pittsburg papers?

Col. WEEKS. That was the order.

The CHAIRMAN. And the New York Tribune has a bill for \$360?

Col. WEEKS. Yes, that is an outrageous price; and when you come to think of it and look at it in a businesslike way the question might arise whether that was all necessary, but it was so considered and of course the Quartermaster-General has no discretion.

The CHAIRMAN. You have not done anything except contract these bills?

Col. WEEKS. Just created these voluminous bills; that is all it amounted to.

The CHAIRMAN. What is the property supposed to be worth?

Col. WEEKS. They put a limit of \$50,000 on it the first time it was offered for sale.

The CHAIRMAN. You have put a limit on it of \$50,000 and it has cost nearly \$5,000 to sell it?

Col. WEEKS. Yes, sir; and they did not sell it either.

The CHAIRMAN. Had not you better give it away than to be in such a business as this?

Col. WEEKS. No, the land could have been sold undoubtedly and there was a mistake in putting a limit on it, but the War Department took a great deal of trouble in sending experts there to get at the estimate.

The CHAIRMAN. When was this done?

Col. WEEKS. It runs back over two years.

The CHAIRMAN. 1891 and 1892?

Col. WEEKS. Yes, and subsequently.

The CHAIRMAN. That is when the newspaper advertising was done?

Col. WEEKS. Yes, sir; that is where it came in.

The CHAIRMAN. You have now expended nearly 10 per cent of the estimated value of the property in advertising and paying for services of auctioneer and you have not sold it?

Col. WEEKS. Yes, sir.

Statement of expenses incurred in the matter of the proposed sale of the land belonging to the United States at the corner of Penn avenue and Garrison alley, in the city of Pittsburg, Pa., under the authority and provisions of the act of Congress approved May 21, 1890, as per approved accounts on file and awaiting payment in office of the depot quartermaster, Washington, D. C.

NEWSPAPER ADVERTISEMENTS.

Pittsburg Dispatch:	
September 26, 1891, 1891-'92	\$108.00
November 7, 1891, 1891-'92	108.00
February 6, 1892, 1891-'92	144.00
October 12, 1892, 1892-'93	141.60
Pittsburg Commercial Gazette:	
September 26, 1891, 1891-'92	262.56
November 7, 1891, 1891-'92	291.36
February 6, 1892, 1891-'92	131.10
October 12, 1892, 1892-'93	151.20
May 8, 1893, 1892-'93	168.20
Pittsburg Times:	
September 26, 1891, 1891-'92	135.00
November 7, 1891, 1891-'92	140.04
February 6, 1892, 1891-'92	187.50
October 12, 1892, 1892-'93	162.40
May 8, 1893, 1892-'93	168.20
Pittsburg Freiheits Freund:	
November 7, 1891, 1891-'92	27.00
February 6, 1892, 1891-'92	105.00
October 12, 1892, 1892-'93	98.00
Pittsburg Post, May 8, 1893, 1892-'93	191.10
Pittsburg Leader:	
February 6, 1892, 1891-'92	152.30
October 12, 1892, 1892-'93	117.56
Philadelphia Press:	
September 26, 1891, 1891-'92	270.00
October 12, 1892, 1892-'93	291.20
New York Tribune, September 26, 1891, 1891-'92	360.00
Cincinnati Commercial Gazette, September 26, 1891, 1891-'92	165.00

JOB PRINTING.

H. L. McQueen, poster and circular advertisement of September 26, 1891, 1891-'92	7.50
Gibson Brothers:	
Poster and circular advertisement of November 7, 1891, 1891-'92	5.25
Poster and circular advertisement of October 12, 1892, 1892-'93	5.50
Terry Bros., poster and circular advertisement of February 6, 1892, 1891-'92	5.00
Judd & Detweiler, poster and circular advertisement of May 8, 1893, 1892-'93	6.50

SERVICES OF AUCTIONEER.

John D. Bailey:

October 28, 1891, 1891-'92	\$50.00
December 12, 1891, 1891-'92	50.00
March 11, 1892, 1891-'92	50.00
November 16, 1892, 1892-'93	50.00
June 9, 1893, 1892-'93	50.00

Total..... 4, 356.07

Respectfully submitted.

GEO. H. WEEKS,

Deputy Quartermaster-General, U. S. Army, Depot Quartermaster.

DEPOT QUARTERMASTER'S OFFICE,

Washington, D. C., November 24, 1893.

MILITARY PRISON, FORT LEAVENWORTH, KANS.

STATEMENT OF COL. H. C. CORBIN, ASSISTANT ADJUTANT-GENERAL.

The CHAIRMAN. You only estimated for \$20,000 for subsistence, and yet you propose to expend \$23,912.69?

Col. CORBIN. The appropriation for 1894 was \$18,000 and the estimate was \$20,000.

The CHAIRMAN. How much did you expend during the fiscal year 1893?

Col. CORBIN. I do not know if it is not shown here [examining papers]. I do not think I brought that memorandum along, but you have got that in connection with the sundry civil bill.

The CLERK. You expended in 1893 \$17,866.87.

Col. CORBIN. The amount of \$5,912.69 is asked for the subsistence of prisoners, for the purchase of rations for the balance of the year; and of the \$18,000 appropriation \$11,076 was expended during the first six months, leaving on January 1, 1894, \$6,923.83 for the second half of the year.

The CHAIRMAN. We have that statement here.

Col. CORBIN. The deficiency estimate was submitted on the 18th of January, and on that date there were 584 prisoners to be provided with subsistence, and there are now 340 prisoners there.

The CHAIRMAN. How is it that the increase in the number of prisoners has been so great?

Col. CORBIN. Heretofore prisoners having a year or less than a year have been retained at the post. It was found their presence was demoralizing, and it cost 23 or 24 cents a day to subsist them at the post while at the prison the subsistence cost about only 12½ cents, and the Secretary thought it was in the line of good discipline and good administration to send them to the prison at Leavenworth.

The CHAIRMAN. It makes the cost greater.

Col. CORBIN. It makes the cost to the prison greater, but the cost to the Government is less. The subsistence at the prison is about 12½ cents a day, or about half of what it costs at the post. The soldier's ration at the post costs about 23 cents a day; and last year the subsistence of a prisoner at the prison cost 12½ cents, which must be admitted as a pretty low rate of board. We have 640 prisoners there to-day, and we had only about 440 last year. For instance, in 1892 we had 395; July, 1893, we had 458; from the end of the last fiscal year to the first of December last we had 574, and to-day we have 640, making an increase of nearly 200 over last year. It is 640 against 458 practically.

The CHAIRMAN. There has been really no improvement in the personnel of the Army?

Col. CORBIN. I would not like to say that because when we had only 458 prisoners only men were sent there who had long sentences, two years or more, and now they are all sent there. Heretofore a man that had two years, a year and a half, or a year, served it out at the post.

The CHAIRMAN. What proportion of the enlisted men of the Army are in jail all the time; what average?

Col. CORBIN. To-day there are 640 out of 25,000, so I do not know what per cent that would be; well, it is 2½ per cent in jail, as you would call it in civil life.

The CHAIRMAN. Two and a half per cent of the Army is in jail?

Col. CORBIN. Oh, that is hardly a fair statement because some of these fellows deserted a long time ago and are in prison for deserting.

The CHAIRMAN. And they are deserting now and will be several years hence?

Col. CORBIN. It is a lamentable fact that there are at this moment 640 people in prison. I can make some explanation of that, Congress last year or the year

before increased the reward for deserters from \$30 to \$60, and the present reward of \$60 these hard times has sharpened the eyes and energy of every detective and every fellow throughout the land, so that every poor devil who has deserted within the last five or ten years has been yanked up and sent to prison. Even in some cases fellows have come and given themselves up, as they say they can get a better living there and they say they want to be sentenced. That is rather an exception, of course.

The CHAIRMAN. The next item is, "for expenses for pursuing escaped prisoners and rewards for their capture, etc., \$300." You have already expended \$240?

Col. CORBIN. Yes, sir.

The CHAIRMAN. Do not you think it is better when these fellows desert to let them go?

Col. CORBIN. I do, undoubtedly; I would not recommend the appropriation of one dollar. I would not go 150 yards to get these men. I think they are better off. A man suffers twice, when he goes to prison and when he gets out, and when a man wants to escape from degrading confinement, let him go.

The CHAIRMAN. Your idea is no appropriation should be made for this purpose?

Col. CORBIN. The Adjutant-General recommends it, but my own opinion is, if they get away, let them get away.

The CHAIRMAN. The next item is, "for the transportation of prisoners on their discharge from the prison to their homes, etc., \$1,500." You received \$5,000; now, how much of that \$5,000 has been expended?

Col. CORBIN. My recollection is that there is only \$1,800 on hand. This is very necessary, and that should be appropriated in order to relieve the people around and about Fort Leavenworth, and unless we have the money to send these prisoners home they accumulate there, and it is very necessary to have that money to get these people away from prison.

The CHAIRMAN. You say you have \$1,800 on hand?

Col. CORBIN. The amount will be exhausted; I did not bring the figures with me exactly; but the number of discharges this month from sentence will exhaust all there is on hand, so we will have April and May and to the 30th of June, three months, without any money at all; and unless that \$1,500 is given, these people will live right around Fort Leavenworth, which is very objectionable to the people there, and it is better when a man gets out of prison to send him home to his father and mother. We give him a suit of clothes and give him transportation to the place where he enlisted. They are mostly young men, not old men at all. I investigated the prison last October and was surprised to find it filled up with young men, thoughtless boys.

PAY OF THE ARMY.

STATEMENT OF GEN. WILLIAM SMITH, PAYMASTER-GENERAL, U. S. ARMY.

The CHAIRMAN. On the bottom of page 32, under the head of "Pay of the Army," you ask for a deficiency of \$5,000; can you tell us how much of the appropriation of \$180,000 is on hand now?

Gen. SMITH. That has been wholly expended.

The CHAIRMAN. All of the \$180,000?

Gen. SMITH. Yes, sir; I have a statement here that will show you exactly how it stands. On the 30th of June we had expended \$174,000.

The CHAIRMAN. That is, for the last fiscal year?

Gen. SMITH. We have spent since, in July, \$5,900—

The CHAIRMAN. Just give us the sum total?

Gen. SMITH. Well, we spent \$180,295.51.

The CHAIRMAN. Up to what date?

Gen. SMITH. Up to the present time.

The CHAIRMAN. How is it that you have spent so much more money during the present fiscal year than last year?

Gen. SMITH. Do you mean the current year?

The CHAIRMAN. Yes, sir.

Gen. SMITH. We are spending less.

The CHAIRMAN. I thought you said you spent \$174,000?

Gen. SMITH. Last year.

The CHAIRMAN. That is the last fiscal year; I am asking you about the present fiscal year?

Gen. SMITH. I say we are expending less money this year than last year.

The CHAIRMAN. How much did you expend last year?

Gen. SMITH. One hundred and eighty thousand two hundred and ninety-five dollars and fifty-one cents. We spent during the fiscal year of 1893 \$174,000, but we have spent since then, chargeable to that appropriation, enough to make it \$180,000.

The CHAIRMAN. Why do you want \$5,000 more?

Gen. SMITH. Here is a list we have not yet paid [exhibiting same].

The CHAIRMAN. How much does that amount to?

Gen. SMITH. \$2,472.16.

The CHAIRMAN. Would you let us have that? How comes the expenditures are greater for 1893 than for this year?

Gen. SMITH. Because the appropriations permitted it is one reason. This year the appropriation is limited to \$160,000. Last year the appropriation was \$180,000, and the whole is spent and we have \$2,500 practically unpaid.

The CHAIRMAN. Do I understand you to say this is simply because the appropriation was larger you expended it, or not?

Gen. SMITH. That was one reason we expended it. The appropriation was \$180,000 for last year and it is \$160,000 for the current year.

The CHAIRMAN. Will you get through the current year on \$160,000?

Gen. SMITH. I can not promise that. We are within the limit; we are within the appropriations so far; but what the War Department may do between this and 30th of June the Paymaster-General can not tell you. We assume that when we pay \$160,000 we stop; but the War Department may issue orders which make a demand that can not be met.

The CHAIRMAN. I see you give as a reason for spending so much money that there is added the expenses on account of travel of officers detailed to the World's Columbian Exposition?

Gen. SMITH. That is a part of it.

The CHAIRMAN. Can you state how much was expended for mileage for those officers?

Gen. SMITH. I can not this morning; but we have those items at the office and I can tell you approximately.

The CHAIRMAN. What is the amount of unpaid accounts for the fiscal year 1893?

Gen. SMITH. \$2,472.16.

The CHAIRMAN. Are these all the accounts that have reached the Department up to date?

Gen. SMITH. Yes, sir; and I presume they are chiefly all in.

The CHAIRMAN. So that all the unpaid accounts that have reached your office up to date amount to \$2,472.16?

Gen. SMITH. Yes. While we ask for \$5,000 we may not consume it all; we will only pay proper legitimate expenses.

Mr. CANNON. How much more will you need? What is your best estimate?

Gen. SMITH. These accounts amount to \$2,500, which we have in hand, and I hardly suppose we would expend more than \$3,000.

Mr. CANNON. Do you think \$3,000 will cover everything?

Gen. SMITH. I think \$3,000 will cover everything.

Mr. CANNON. Now, if \$3,000 should be appropriated, and there should be \$100 presented after the 1st of July, next, you could pay it?

Gen. SMITH. Oh, yes, sir; these accounts, chiefly for travel, are made before June 30, and these accounts are chiefly in.

Mr. CANNON. You think that \$3,000 will pay for everything?

Gen. SMITH. Three thousand dollars will probably pay every account in and to come in.

The CHAIRMAN. The next item is, "For pay, Military Academy, for superintendent, colonel, in addition to pay as major, \$500."

Gen. SMITH. This arises in this way. The superintendent, at the time these estimates for the current year and last year, was Col. Wilson, who is now here. He is a lieutenant-colonel, and from the Military Academy appropriation he draws enough to make his pay that of colonel, and the difference between pay of colonel and lieutenant colonel is \$500. Col. Wilson was relieved from duty the 1st of April a year ago—

The CHAIRMAN. Everything is explained in this note?

Gen. SMITH. Yes, sir. It all arises from the fact that a major is now on duty, and a lieutenant-colonel was on duty when these estimates were made. There is a little item there of \$12 for a sergeant. When the appropriation was framed the sergeant's pay was \$17; now a sergeant gets \$18 a month, so it takes \$12 to make up this difference.

MINTS AND ASSAY OFFICES.

STATEMENT OF MR. R. E. PRESTON, DIRECTOR OF THE MINT.

The CHAIRMAN. "Assay office at Helena, Montana, \$54.09." Why did not these items come in the last Congress?

Mr. PRESTON. That is a railroad bill, I guess, found by the First Comptroller.

The CLERK (reading from estimates). The Daily Journal Company, of Helena, Mont., advertising supplies for the U. S. assay office, at Helena, during the months

of May and June, 1892, \$17.55. The Minneapolis and St. Louis Railway Company, transportation of public property—supplies for the U. S. assay office at Helena during the month of June, 1892, \$5.20. The Northern Pacific Railroad Company, transportation of public property—supplies for the U. S. assay office at Helena, during the month of December, 1891, and January, 1892, \$31.34.

Mr. PRESTON. Newspaper advertising comes in sometimes five or six years after the advertising is done.

The CHAIRMAN. The next is, "freight on bullion and coin." To which railroad is this amount due?

Mr. PRESTON. That is due to the express company.

INTERNATIONAL EXCHANGES.

STATEMENT OF PROF. S. P. LANGLEY, SECRETARY SMITHSONIAN INSTITUTION.

The CHAIRMAN. Under the head of international exchanges, how much of the appropriation for 1894 have you now on hand?

Prof. LANGLEY. Four thousand, one hundred and ten dollars and fifty-two cents, March 24; balance on hand.

The CHAIRMAN. You expended during the fiscal year 1893, \$17,000?

Prof. LANGLEY. Yes.

The CHAIRMAN. And this year you propose to expend \$16,000?

Prof. LANGLEY. Yes, sir.

Mr. CANNON. These international exchanges are distributed under law?

Prof. LANGLEY. They are distributed under law, and they consist almost entirely of Congressional documents. I should like to be allowed to say the Geological Survey and the Observatory and others have failed to pay us. We have not means enough to carry us on until the end of June, and we shall have to definitely stop. I think we can go at about the present rate until the end of May.

The CHAIRMAN. And this \$1,500 is for the month of June?

Prof. LANGLEY. Well, a little more than June; something like that.

The CHAIRMAN. You would not want this money if you did not get it before the 1st of July?

Prof. LANGLEY. We shall have to have it or stop carrying these documents.

Mr. CANNON. Let me ask you, does the law require these exchanges to be made?

Prof. LANGLEY. It does.

Mr. CANNON. Independent of the appropriation, the law provides it shall be made? (To the clerk:) What do you know about that?

The CLERK. I judge they could not incur liabilities beyond the appropriations. The law authorizes these exchanges to be made through this institution, but I should say they would be governed in their work by the amount of money they had.

Prof. LANGLEY. It is generally under treaties and I can not answer you how far it will go.

The CHAIRMAN. The usual practice has been, at least since I knew anything about this item, for the Smithsonian Institution to confine itself to the appropriation made.

The CLERK. The bulk of this is for salaries?

Prof. LANGLEY. Yes; the bulk is for salaries. The number of salaries were 13, and I have cut them down to 9.

NATIONAL MUSEUM.

The CHAIRMAN. The next item is "National Museum, for expense of heating the U. S. National Museum, \$1,000;" how much have you on hand of that appropriation?

Prof. LANGLEY. I can not answer the question directly. Indirectly I can say we have not got money enough to buy coal—

The CHAIRMAN. Will you please let us know the exact amount?

Prof. LANGLEY. I will let you know.

ZOOLOGICAL PARK.

The CHAIRMAN. The next item, the National Zoological Park, we have had ever since your day, Mr. Cannon?

Mr. CANNON. Yes; it commenced with my day.

The CHAIRMAN. We have got all the information about that here.

Prof. LANGLEY. Will you allow me to speak in regard to one item, where I happen to be personally informed. It is to reimburse the Smithsonian Institution for assuming expenses of labor and material for repairs necessary for the preservation of the Holt mansion. In that case I would ask to be allowed to explain that as a newcomer I was not familiar with the decisions of the Comptroller, and I supposed there

was money enough to put on a roof there, but the Comptroller decides after the walls were up and the interior woodwork was done I could not put that roof over the building out of the appropriation in the terms in which it was made, "for expenses not otherwise provided for," being the phrase.

The CHAIRMAN. This is for this Zoological Park?

Prof. LANGLEY. Yes, sir; for that building there.

The CHAIRMAN. Could not you have used some of that money which was expended for taking care of other peoples' animals for this purpose?

Prof. LANGLEY. No, sir; that was two or three years ago and there was no possibility of doing so, or I should have done it. I was a newcomer in Washington and I told them I would be responsible for it myself rather than see the property destroyed until I saw the Regents about it, and when I did they authorized me to pay \$500 out of the Smithsonian fund to reimburse me. I have not lost anything but the Smithsonian's fund, money out of James Smithson's pocket has been paid to save Government property.

Mr. CANNON. That was some years ago?

Prof. LANGLEY. Several years ago, and the whole interior of the building is just in the way it was then left unfinished.

ROCK ISLAND BRIDGE, ROCK ISLAND, ILL.

STATEMENT OF CAPT. V. McNALLY, OFFICE CHIEF OF ORDNANCE WAR DEPARTMENT.

The CHAIRMAN. I see you ask \$4,000 for the bridge at Rock Island. I see you estimated for \$5,000 and you got \$8,500?

Capt. McNALLY. That was a mistake of the Department. Gen. Grant revised the estimates and—

The CHAIRMAN. But we gave you \$3,500 more than you asked for?

Capt. McNALLY. You will find for several years past the appropriations have been \$12,000, and the law requires that the Government shall pay half of the expense of operating the bridge and draw and guarding it and keeping it in repair, and the railroad company shall pay half, and it takes \$12,000 a year to do that.

The CHAIRMAN. It takes \$12,000 a year?

Capt. McNALLY. Yes, sir; for the Government's share.

The CHAIRMAN. How much of the \$8,500 have you on hand?

Capt. McNALLY. I think we have none, sir. I think we have expended now the whole of that money, because we make monthly remittances on quarterly estimates, and it is the third quarter.

The CHAIRMAN. Are not you using enlisted men for this purpose?

Capt. McNALLY. No, sir; they are required to be expert men—an engineer for operating the draw, a fireman, and guards, too. Enlisted men are not used.

The CHAIRMAN. You employ citizens then to stand guard?

Capt. McNALLY. Yes, sir; and there are three reliefs in twenty-four hours' work, each of eight hours.

Mr. CANNON. Let me see if I understand you. This expense for operating the draw is settled by agreement?

Capt. McNALLY. Yes, sir.

Mr. CANNON. And the Government pays half?

Capt. McNALLY. The Government pays half.

Mr. CANNON. Now, to pay the necessary half the appropriation this year is not sufficient?

Capt. McNALLY. That is it; it requires \$12,000.

The CHAIRMAN. I do not understand why you should make an estimate of \$5,000, and we gave you \$8,500 according to the testimony that was before us, and then you come in here and ask for \$4,000 more.

Capt. McNALLY. If you will look at the estimates for several years previous you will notice we had \$12,000. We used to have \$10,000, I think it was, until it was decided the eight-hour law applied to these men, and it required that per cent to be added to the amount, and we got a deficiency that year, and it was given ever since. That \$5,000 was not the office estimate. I mentioned a few moments ago Gen. Grant, the Assistant Secretary, revised the estimates and made a mistake.

Mr. CANNON. Your estimate sent from the office was for \$12,500?

Capt. McNALLY. Yes, sir; we have added \$500 since the new viaduct was built, which has to be kept in repair, too.

Mr. CANNON. That is the viaduct on the Illinois side?

Capt. McNALLY. Yes, sir; crossing the railroad tracks. Twelve thousand five hundred dollars we get as the appropriation in the sundry civil bill just passed the House for the next fiscal year.

FISH COMMISSION.

STATEMENT OF MR. H. A. GILL, CHIEF CLERK FISH COMMISSION.

The CHAIRMAN. For the fish hatchery at Texas you want \$10,000; do you need all of that money?

Mr. GILL. We need it; we might perhaps defer the erection of one building there, but it is very desirable that it should all be done at one time.

The CHAIRMAN. I would like to have an itemized statement of the cost of these things. How do you get that \$10,000? Have you an itemized statement there?

Mr. GILL. I have it here [exhibiting same].

The CHAIRMAN. You have got a balance on hand of \$8,229?

Mr. GILL. A balance of \$13,821. We have not paid for the land yet, because the contract is not entirely completed, and we expect to pay for it in a very few days now.

The CHAIRMAN. From \$22,050 you have a balance of \$13,821?

Mr. GILL. Yes, sir; but other contingencies are likely to spring up. Now, there is a probability we may find it desirable to make an artesian well there.

The CHAIRMAN. You do not want any artesian well there?

Mr. GILL. We might need it. The engineer of the commission is here.

Mr. VON BAYER. We have not fall enough for water there for the hatchery, for instance.

The CHAIRMAN. Have you got an itemized account there for everything?

Mr. GILL. Yes, sir.

The CHAIRMAN. I want an itemized account of all of these things.

Mr. GILL. For the next item covered by House Ex. Doc. No. 35, for the fish hatchery in Montana, I have a detailed statement.

The CHAIRMAN. Have you one for the Vermont item?

Mr. GILL. Yes, sir.

Mr. CANNON. Have you got the statement of the San Marcos hatchery in detail? Have you the documents here, or do I understand you will send them?

Mr. GILL. I have them here, but I prefer to take them back and send a statement, as I have kept no memorandum of this.

The CHAIRMAN. We want an itemized statement showing the amount of money on hand, what you want this money for, every item?

Mr. GILL. Yes, sir; I have that all here just in that way.

The CHAIRMAN. But you would rather send that to us?

Mr. GILL. I would rather send that to you regularly.

The CHAIRMAN. The next item is "for propagation of food fishes, \$931.94."

Mr. GILL. That includes items for the fiscal year ending June 30, 1891, for the year ending June 30, 1892, and for the year ending June 30, 1893, mainly on account of railroad travel. For 1891 it was \$88, for 1892 it was \$40.46, and for 1893 it is the balance between the whole amount and those two amounts, in the neighborhood of \$800.

The CHAIRMAN. To what railroads?

Mr. GILL. In 1891, East Tennessee, Georgia and Virginia Railroad, \$65.80; Chicago, Milwaukee and St. Paul—

The CHAIRMAN. You just hand that to Mr. Courts. We want to see if there are any Pacific Railroad items?

Mr. GILL. There are no Pacific Railroad items.

The CHAIRMAN. How is it that this deficiency for 1893 under this head is so large?

Mr. GILL. It is difficulty in getting in bills. We issue transportation requisitions to cover travel, and it is difficult to get the bills in in time from the railroad companies. We have a balance of appropriation, but it is scattered through different items that would not be specifically available for this under the present law.

TUESDAY, March 27, 1894.

POTTAWATOMIE INDIANS, JUDGMENT FOR.

The CHAIRMAN. There is a gentleman present who is interested in an item on page 73 in reference to the Pottawatomie Indians.

STATEMENT OF MR. JOHN B. SHIPMAN, ATTORNEY.

Mr. SHIPMAN. Mr. Chairman and gentlemen, I will only take up a moment in order to put the idea before you. This claim went into the Court of Claims under a special act of Congress referring it there, and a man named Crutcher appeared

for 91 Indians and filed a claim on behalf of all, under the general title of "Pottawatomie Indians of Michigan and Indiana." He did not file it in the shape of a suit. Thereupon I appeared for a good many more Indians than he did, and I filed a claim in behalf of the parties whom I represented, naming them as I would name other clients. The two cases were consolidated and heard together, and a judgment was rendered for \$104,626. I did not think it was enough, and I took the case to the Supreme Court, and there the judgment was affirmed. The legal question seems to have been decided against the Court of Claims; but at the same time they did not apply the principle to the facts in the case, so the matter comes here for settlement. I am interested in the matter, and I do not want the claim to go on this bill for settlement. I can not, according to the practice in the court, move for a new trial, because the time expired while the case was pending in the Supreme Court. Mr. Butterworth has promised to prepare a bill to be introduced in order to give a new trial in this case.

The CHAIRMAN. About how many of these Indians are interested in this judgment?

Mr. SHIPMAN. There is the difficulty in answering that question. Some would say 1,100, and some would say 250.

The CHAIRMAN. What proportion of these Indians do you represent?

Mr. SHIPMAN. If you call the number 250, I would represent 160; and if you call it 1,100, I would represent nearly 1,000. I represent all of the Indians except 91.

The CHAIRMAN. Are you the attorney of record in this case?

Mr. SHIPMAN. Yes, sir.

The CHAIRMAN. And you come here, and ask that this appropriation be not made for the payment of this judgment?

Mr. SHIPMAN. I do. I will state the point raised in the Court of Claims. The question was the construction as to what the treaty meant. The Indians who sold these three reservations in Michigan were entitled to various annuities. They did not want to go West, but those Pottawatomies wanted to remain on Lake Michigan, or in the country where Chicago now stands. They had agreed to go West, but on the 27th of December, 1837, a supplemental article was added, by which they were permitted to remain in Michigan, and were to be paid a just proportion of all annuities under former treaties, and all others.

The CHAIRMAN. I would suggest to you that this committee can not inquire into the merits of that suit and that judgment. The only question this committee desires to ascertain is whether or not it would be proper, you claiming to represent so many of the plaintiffs, to accede to your request.

Mr. SHIPMAN. I wished to show you that there was some reason for the position I take. The question raised under the treaty was this: There had been certain Indians paid by a Government paymaster from 1843 to 1866. The question was, were they entitled to remain and receive these annuities? I contended that the treaty was a matter of law, and it could not be delegated to a paymaster. The Court of Claims thought the Government had recognized this number, and therefore they were only entitled to recover for only 250, which amount we claimed was too little. The Supreme Court found that I was correct on that legal proposition, but they did not comply with it. We want to see if Congress will not give us a new trial.

The CHAIRMAN. And pending that, you ask that no appropriation be made for the payment of this judgment.

Mr. SHIPMAN. Yes, sir.

The CHAIRMAN. Very well; you may leave your papers with us.

Mr. SHIPMAN. I will do so.

Mr. CANNON. When was this opinion of the Supreme Court rendered?

Mr. SHIPMAN. The mandate is dated April 17, 1893.

Mr. CANNON. Did you file a petition for a rehearing?

Mr. SHIPMAN. Yes; and it was denied by the Supreme Court.

Mr. CANNON. The judgment is for \$104,626, and you think it ought to be more than three times that much?

Mr. SHIPMAN. Yes, sir; I think it should be made on the basis of 1,100 Indians, instead of 250.

Mr. CANNON. You have had your day in court. You took an appeal to the Supreme Court, and the court rendered its judgment, and you petitioned for a rehearing, but that petition was denied?

Mr. SHIPMAN. Yes, sir; but the facts were not passed upon by the Supreme Court.

Mr. CANNON. But they were set up in your petition?

Mr. SHIPMAN. Yes, sir.

Mr. CANNON. And now you come to a committee of Congress and say that you intend to apply for legislation granting you a new trial, notwithstanding the judgment of the Supreme Court, because you think you may get two or three times more than the amount which is in this judgment. Pending that, you request that no appropriation be made by this committee?

Mr. SHIPMAN. Yes, sir. What I want to say is this: It does not place me in the right position to say that the facts were passed upon.

Mr. CANNON. I asked you if you set up the facts in your petition.

Mr. SHIPMAN. Yes, sir. This judgment is based upon the decision of the Supreme Court itself. That is why I ask for a new trial. The Court of Claims passed on the facts; but the Supreme Court did not have the facts before it.

Mr. CANNON. Suppose this appropriation is made; the Pottawatomie Indians could take it or not, as they choose.

Mr. SHIPMAN. I am afraid it would be construed as a settlement.

Mr. CANNON. Why should it not be? If the Pottawatomie Indians were represented by counsel who mistook their remedy, or did not properly present the case, it is the fault of the counsel, and if the Supreme Court, when the facts were set up, saw proper to deny the petition for a rehearing, I think that in either event that is the end of the chapter. If the attorney was at fault the remedy is against the attorney, and if the Supreme Court is at fault it is a thing we will all have to submit to.

Mr. SHIPMAN. I have no fault to find with the Supreme Court.

Mr. CANNON. Then the fault lies with the presentation of the case.

Mr. SHIPMAN. No; the court says these facts as to the number of Indians were not in any authoritative form, etc.

MARINE CORPS.

STATEMENT OF HENRY JAY WYLIE, CHIEF CLERK, U. S. MARINE CORPS.

CLOTHING.

The CHAIRMAN. On page 35 there is an item for clothing, under the head of the Marine Corps, \$10,000.

Mr. WYLIE. Quartermaster Lowry, who is absent in California, asked me to come and appear before you gentlemen to-day.

The CHAIRMAN. You have an estimate of \$10,000 for clothing. Your estimate for 1894 is \$75,000, and the appropriation was \$75,000. How much of the \$75,000 appropriated has been expended?

Mr. WYLIE. We had on hand on February 10, \$500.

The CHAIRMAN. Can you explain why this deficiency has arisen?

Mr. WYLIE. In submitting a communication to the honorable Secretary we set forth that the appropriation was \$75,000, and was based upon the fact that the strength of the Corps, 2,100, was short to the extent of about 150 men. Since the appropriation became available there has been an additional expense. The statement of the Quartermaster-General shows the necessity for additional clothing to carry us to the 30th of June, 1894. We therefore suggest that authority be given the Secretary of the Navy to obtain clothing under section 3732 of the Revised Statutes. I have this letter, and a letter from the Secretary of the Navy.

The CHAIRMAN. We do not care about that letter; but we want information as to what extent the clothing already contracted for will supply the Corps.

Mr. WYLIE. The Corps has been supplied already. I have a statement from the assistant quartermaster-general showing the disposition of this clothing up to January 4; showing how it has been expended and the necessity for it. It is owing to the additional number of men.

The CHAIRMAN. Suppose this appropriation of \$10,000 is not made, how much will you have on hand on the 1st of July?

Mr. WYLIE. Not any.

The CHAIRMAN. Do you consume all the clothing every year?

Mr. WYLIE. Yes, sir.

The CHAIRMAN. How much clothing do you allow for each man?

Mr. WYLIE. It averages about \$45 a year for every man.

The CHAIRMAN. What was the increase in the number of men?

Mr. WYLIE. There was an increase of 115.

The CHAIRMAN. If you multiply that by 115 it does not give you \$10,000.

Mr. WYLIE. No, sir; but the making of the clothing costs something.

Mr. CANNON. As I understand you, you claim that by the enlistment of additional men in the Marine Corps, it being necessary they should have clothing, that under section 3732 of the Revised Statutes, which makes an exception to the general rule that the appropriation must precede the expenditure in case of the War and Navy Departments, so far as the necessities of the current year for the service therein are concerned, and that necessity existing, you have, under this section of the statutes, provided this clothing, and you now want this money to pay for it, \$10,000?

Mr. WYLIE. Yes, sir. The estimates heretofore have been based upon the fact that the Corps has not been up to the standard in number. There have been anywhere from 150 to 200 men short each year. In addition to that, we have supplied crews for three years, and it has taken a larger amount of clothing than heretofore.

The CHAIRMAN. What did I understand you to say the increased number of men was?

Mr. WYLIE. One hundred and fifty.

The CHAIRMAN. And the cost of clothing is \$45 a man?

Mr. WYLIE. About that sum.

The CHAIRMAN. Is that for clothing, independent of the making it?

Mr. WYLIE. That is for the purchase of the material.

The CHAIRMAN. How much does it cost per man to make the clothing?

Mr. WYLIE. I could not answer that question, as each garment has a special price.

The CHAIRMAN. You ought to be able to tell how much that clothing will cost, as you have been engaged in this for a great many years, have you not?

Mr. WYLIE. Yes, sir. I should say it would take \$10 per man.

Mr. CANNON. That does not explain your deficiency of \$10,000. You said something in reference to the increase of service in connection with the increase of the Navy. Is there any other expenditure for the balance of this deficiency for which you estimate?

Mr. WYLIE. One reason is on account of the increased number of the men in the Corps, it being brought up to the full standard; and, secondly, owing to the great demand for supplying the new cruisers. The men on the new vessels had to be supplied with clothing, which has exhausted all the supplies on hand.

Mr. CANNON. Does the necessity for outfitting those cruisers explain the remainder of this deficiency?

Mr. WYLIE. We have made estimates this year for \$80,000. It is hoped it will carry us through, on the basis of having the full number of men in the corps.

Mr. CANNON. Just what I want to get at, and what I suppose we all want, is this: You speak of an increase of 150 men at \$55 to the man; but that does not explain the full amount of the deficiency for which you ask. If there is any further explanation, I merely wanted to get it.

Mr. WYLIE. It arises from the increased amount of clothing sent out, which has exhausted the stock on hand, and that would go to make up the balance of the \$10,000.

Mr. CANNON. That is to say, the increase in the number of men and the fitting out of the cruisers has rendered it necessary for you to make this deficiency. Gov. Sayers's object is, no doubt, to inquire just what the amount of the deficiency is, and whether it is as much as \$10,000. If it is less, how much less?

Mr. WYLIE. The Quartermaster-General has already entered into obligations to the amount of \$10,000 for supplies, and they are being received—to a large extent have already been received.

The CHAIRMAN. You have estimated \$80,000 for the same number of men next year, and yet you think that this will be sufficient for next year?

Mr. WYLIE. We expect to get clothing somewhat cheaper another year. We think we can get along with a reduced price, because we expect to get the clothing cheaper. We have had deficiencies in past years. Our clothing has been running down from year to year. This is the first deficiency we have had since 1890.

PROVISIONS.

The CHAIRMAN. Have you charge of the item on page 36, for provisions?

Mr. WYLIE. That is for an amount virtually to be transferred from one appropriation to another. That is merely to adjust the balances. This readjusts the appropriation to the paymaster of the corps.

The CHAIRMAN. Are you prepared to speak of those items?

Mr. WYLIE. Yes, sir. The amount of money appropriated that year was \$71,188.63. This estimate was based upon the prices which obtained in the prior year; but when the contracts were entered into this year prices were found to be in excess of our estimates, and hence the money was not sufficient to meet the expenditures.

Mr. CANNON. It is a transfer from the Bureau of Medicine and Surgery to the Naval Hospital. You have got more than you want in one and not enough in the other?

Mr. WYLIE. Yes, sir; there is only one sum which is to be expended by the Quartermaster-General for the Marine Corps, and that is \$11,976.

Mr. CANNON. Have you already expended for the benefit of the Naval Hospital fund this \$3,629 without the money being appropriated?

Mr. WYLIE. We have vouchers on file for it.

Mr. CANNON. What law is it which authorizes you to expend that from the Naval Hospital fund without the money being appropriated?

Mr. WYLIE. Under the provisions of the naval appropriation bill of prior years there is a certain sum of money appropriated on account of the sick in the hospital.

The CHAIRMAN. We ought to have somebody here who knows about it.

The CLERK. A marine is sent to the Naval Hospital sick, and while there he is entitled to his rations. Instead of that coming from the Marine Corps, it comes out of the hospital fund, which is entitled to be reimbursed for this. In other words, the marine hospital is subsisting this marine when he is in the hospital, and therefore it is entitled to be paid for the subsistence of the man.

Mr. CANNON. Is that by virtue of some statutory provision?

The CLERK. It is the construction put upon the law by the accounting officers.

Mr. CANNON. What is the necessity for this provision if that is the law already?

The CLERK. The Naval Hospital fund would be depleted by what these men eat while they are there. If the hospital does not get that back, this money would have to be appropriated. Evidently, the Marine Corps is out of money for provisions, else this sum could be repaid without coming to Congress.

The CHAIRMAN. We want a statement from you as to accounts and reservations on file due contractors. You got \$71,188, and now you are asking \$19,614.16, which is \$13,000 more than your estimates for the current year for the Marine Corps.

Mr. WYLIE. All I can say in regard to that is that these estimates are —

The CHAIRMAN. These estimates are \$75,695.78, and you had an appropriation of \$71,000.

Mr. WYLIE. The \$75,695.78 was based on the prices paid for the prior year, but the prices proved to be higher.

The CHAIRMAN. Do you mean to say that provisions have been higher the past year than they were before?

Mr. WYLIE. Yes, sir; they were high enough to run up to the sum required to make the deficiency. For instance, at Sitka, Alaska, they were \$45 to the thousand greater, and at Boston they were \$38 to the thousand; but at New York they were only \$21 or \$22 to the thousand higher.

The CHAIRMAN. Is that a higher price than has obtained before?

Mr. WYLIE. Yes, sir; but at those points they were exceptionally high.

The CHAIRMAN. Were provisions, purchased at the same place, higher this year than during the last year?

Mr. WYLIE. Yes, sir. The only data we have to go upon in making these estimates is to take the figures of the prior year, and if the prices exceed it it involves us in a deficiency. We are trying to escape a deficiency for another year. In addition to this we have had expenses at the Chicago Exposition.

TRANSPORTATION, ETC.

The CHAIRMAN. For transportation and recruiting you asked \$15,000, and you got \$14,000; and now you ask \$1,334.94 more than the estimates. How do you account for that?

Mr. WYLIE. The estimate was for \$15,000, and we got \$14,000. This is for transporting men to Chicago and back, and also to New York to the naval review.

CONTINGENT.

The CHAIRMAN. The next item is "Contingent."

Mr. WYLIE. That is for freight and express bills which came in after the close of the fiscal year.

The CHAIRMAN. Are any of these bills due Pacific railroads?

Mr. WYLIE. No, sir. Those accounts are all adjusted in the Treasury.

The CHAIRMAN. They may be adjusted, and at the same time some of them may be due the Pacific railroads.

Mr. WYLIE. I am not aware of any accounts among them pertaining to the Marine Corps which are due to the Pacific railroads.

NAVAL ACADEMY.

STATEMENT OF N. S. FAUCET, OF THE BUREAU OF SUPPLIES AND ACCOUNTS, NAVY DEPARTMENT.

The CHAIRMAN. There is an estimate of \$17,000 for heating and lighting the Naval Academy in 1893, and you received \$17,000. How is it that you have increased the expenditure over your estimates? This has not been an extreme winter.

Mr. FAUCET. That is for 1893, which was a severe winter. The coal ran out, and we bought two or three little lots to tide us over. These are actual deficiencies, for which we hold vouchers unpaid.

The CHAIRMAN. There is an item to pay the bill of the United States Express Company, for the transportation of stores in April and May, 1889.

Mr. FAUCET. That is a bill which was not presented, owing to the defalcation of a clerk in the express office; in straightening up his matter this item was found, and as the bill had never been presented it was made out.

The CHAIRMAN. That was found out before, and why was not the bill presented in 1889?

Mr. FOSTER. I could not say why the Bureau has not estimated for it heretofore. Is there any question that you desire to ask in regard to supplies and accounts on page 40?

PROVISIONS.

The CHAIRMAN. You ask for \$75,000 for provisions. Does this grow out of an increase in the number of enlistments?

Mr. FAUCET. Yes, sir.

The CHAIRMAN. Have you had as many as 750 enlistments?

Mr. FAUCET. I do not know the number, but it has been the intention to have the enlistments run up to the full amount.

The CHAIRMAN. How much of the appropriation of \$1,090,000 have you on hand?

Mr. FAUCET. I have not the figures.

The CHAIRMAN. We want to know not only how much of the appropriation you have on hand and what accounts are outstanding, but we want also to know how much provisions you had on hand on the 1st day of July. You only asked \$1,100,000, which you received. Then you received \$10,000, and now you ask for \$65,000 more.

Mr. FAUCET. That is wholly accounted for by the increase in the number of enlistments provided for in the naval bill.

The CHAIRMAN. How much does it cost per man for provisions during the year?

Mr. FAUCET. It costs a fraction less than 30 cents. The commutation price is estimated at 30 cents.

The CHAIRMAN. Would the appropriation of \$1,090,000 have been sufficient, if there had not been 750 enlistments?

Mr. FAUCET. It would have been.

The CHAIRMAN. When did these enlistments take place?

Mr. FAUCET. They began from the time of the naval review in April.

The CHAIRMAN. You have an estimate of \$100 a piece for these men. It occurs to me that you have it overestimated, unless you have had 750 men for an entire year.

Mr. FAUCET. We have estimated it at \$75,000, which I think will carry us through.

The CHAIRMAN. I want to know the number of these enlistments up to the present time.

Mr. FAUCET. I doubt if that can be furnished.

The CHAIRMAN. We do not want to appropriate this money unless you need it.

Mr. FAUCET. Our estimates for four or five years have been based on the average expenditure, and we have not missed it more than \$5,000 in five years.

The CHAIRMAN. That is made on the basis of the enlistments?

Mr. FAUCET. No; but upon the average expenditure.

The CHAIRMAN. Do you think you have 750 new enlistments now?

Mr. FAUCET. I think we have.

The CHAIRMAN. Please find out. I want to be able to ascertain how many enlistments have been made on the first day of each month.

Mr. FAUCET. Very well.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., March 23, 1894.

Memorandum for the information of the subcommittee on deficiencies, Committee on Appropriations, House of Representatives.

Referring to the deficiency estimate of \$75,000, under "Provisions, Navy," for the current fiscal year, submitted by this bureau, I have to state that the 750 additional men authorized by the act of March 3, 1893, were enlisted during the naval review in May last, and that, practically, the full quota of 9,000 allowed by law are now in the service, so no further enlistments are being made, except to fill vacancies as they occur.

The balance of the \$1,090,000 appropriated by the act of March 3, 1893, at this date is \$364,069.74, which may seem proportionally large; but the expenditures of ships abroad, which have not yet been reported to the bureau, will reduce this balance to, probably, \$200,000 or less, available for expenditures both at home and abroad for the next three months.

In the opinion of the bureau the full \$75,000 estimated for will be required to meet the increased demands of the service.

EDWIN STEWART,
Paymaster-General, U. S. Navy.

(Through the Assistant Secretary of the Navy.)

PAY MISCELLANEOUS.

The CHAIRMAN. The next item is contingent.

Mr. FAUCET. This contingent item ought to be submitted to the Fourth Auditor. You will have to see him. There is an item under the head of "Pay miscellaneous," \$1,000, page 35, which you may want to know something about.

The CHAIRMAN. For that you want \$1,000. What was your estimate for "Pay miscellaneous," last year?

Mr. FAUCET. It was \$240,000, and the appropriation was \$240,000. There has been a deficiency of from \$15,000 to \$25,000 for years.

The CHAIRMAN. Are these ascertained amounts?

Mr. FAUCET. Yes, sir.

The CHAIRMAN. We would like to know if there are any bills owing to the Pacific railroads in it?

Mr. FAUCET. No, sir; there are not.

The CHAIRMAN. Who has charge of this item of general accounts of advances?

Mr. FAUCET. That comes mostly under the Fourth Auditor's office. Possibly, if there is anything particular, and you wish to know about it, I might answer.

The CHAIRMAN. Unless you are able to answer definitely, we would not desire to ask you.

Mr. FAUCET. I know a good deal about it, but whether I can answer the exact question you might ask, I do not know. I can explain the operation of the general account.

BUREAU OF CONSTRUCTION AND REPAIR.

STATEMENT OF COMMODORE PHILIP HICHBORN, CHIEF CONSTRUCTOR.

The CHAIRMAN. You estimated for \$950,000, which you received, and yet you want \$50,000 more. How much of the \$950,000 have you on hand at this date?

Commodore HICHBORN. I do not know that I can give you the exact amount up to the present time.

The CHAIRMAN. How much did you expend for the six months of the year?

Commodore HICHBORN. Considerable over half of it.

The CHAIRMAN. How much over half?

Commodore HICHBORN. If I read you this letter written to the Secretary it will explain it.

The CHAIRMAN. We want to get down to the facts and figures.

Commodore HICHBORN. This gives the amount of money which is required to be expended.

The CHAIRMAN. We would be very glad to have that.

The paper was read as follows:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 14, 1894.

SIR: 1. The Bureau invites attention to the condition of the appropriation "Construction and Repair" 1894, the limited balance available not being sufficient to complete all the work authorized.

2. The amount available for completing work on or for the vessels under repair or fitting out, as per the following list, from the 1st instant, after allowing for the care and preservation of Government property, including superintendence and care of dry docks at the several navy-yards, and ships in ordinary, stores for receiving ships and other ships in commission, payment of foreign bills, etc., will not exceed the sum of \$135,000.

3. The following are the vessels under repair and the estimated cost to complete, as furnished by the naval constructors at the several navy-yards, but no allowance is made in this statement for any work on naval vessels that may be required under emergency between this date and the 1st of July next:

Leyden	\$32,535
Nina	28,600
Puritan (replacing boats given to other vessels)	3,250
Terror (replacing boats given to other vessels)	100
Cincinnati (replacing boats given to other vessels)	120
Minnesota (repairs to steam cutter No. 138)	80
Portsmouth (new mainmast)	800
Atlanta (to be completed April 1)	16,600

Essex	\$75
Constellation	5, 800
Monongahela (to be ready May 1)	16, 800
Alert (to be completed April 1)	28, 000
Hartford (work suspended)	285, 000
Boston	62, 000
Thetis (sloop)	575
Pensacola, Iroquois, Omaha, Nipsic (articles invoiced for repairs)	550
Raleigh, supplies (to go into commission April 1)	2, 100
Atlanta, supplies	2, 100
Monongahela, supplies	1, 200
Constellation, supplies	1, 200
Cincinnati, supplies (to go into commission April 1)	2, 100
Alert, supplies	1, 000
Total	554, 385

4. Deducting the cost of the repairs to the *Hartford*, \$285,000, the work having been suspended, the estimated cost of the before-named work is \$269,385, for which the sum of \$135,000 is available, in view of which the Bureau requests that the Department will designate the order in which the vessels are required, that the work on such may be pushed to completion and work on the others suspended until July 1.

Very respectfully,

PHILIP HICHBORN,

Chief Constructor, U. S. Navy, Chief of Bureau.

The SECRETARY OF THE NAVY.

I have corrected that up to date, which brings it to \$120,000 and leaves \$50,000 available.

The CHAIRMAN. How much do you propose to spend on the *Hartford*?

Commodore HICHBORN. Two hundred and eighty-five thousand dollars.

The CHAIRMAN. How much have you already spent?

Commodore HICHBORN. Nothing.

The CHAIRMAN. Is not the *Hartford* below the fixed limit?

Commodore HICHBORN. She is exempt from that under the law. We have not spent \$1 on her because we could not afford it. This \$50,000 was asked for at the suggestion of the Secretary when he had in view the alterations of the *Machias* and *Castine* to remedy their defects.

The CHAIRMAN. The Secretary of the Navy told us he did not want any of this money. He said he could make those corrections out of the appropriation for the increase of the Navy, and he was allowed to do it by a provision on a deficiency bill.

Commodore HICHBORN. It would only be fair to say that he asked for it at that time expecting to get it out of this appropriation, but since then the law has given him authority to take it out of the money for the increase of the Navy.

The CHAIRMAN. He was authorized to use the fund for the increase of the Navy. This is no part of that fund?

Commodore HICHBORN. No, sir; it is for you to say whether you will consider it at all, in view of the fact that the law gives it to him out of another appropriation.

The CHAIRMAN. This \$50,000 is what you intended it for?

Commodore HICHBORN. Yes, sir; I am calling attention to our condition.

The CHAIRMAN. This estimate was simply asked in order to provide for the alterations of the *Machias* and the *Castine*, and, inasmuch as those alterations are to be paid out of the fund for the increase of the Navy, this appropriation is not an absolute necessity upon the basis stated by you.

Commodore HICHBORN. That is not mentioned in that request.

The CHAIRMAN. The proposition was to get this \$50,000 for that purpose. If you had intended to get \$50,000 for the alteration of those two vessels, this estimate would not come in here?

Commodore HICHBORN. I doubt whether the Secretary would have asked for it in that case, but I want to call attention to the importance of giving it to us. When you come to consider that one of our new vessels, the *Boston*, is lying at Mare Island Navy-yard, and that we can not strike a blow on her until next year, it seems to me that you ought to give us a little help.

The CHAIRMAN. You asked for \$950,000 which you received; and now you ask \$50,000 additional for this special purpose. I think, under the circumstances, you ought to say to us that you do not want any more.

Commodore HICHBORN. That is just as you have stated it.

Mr. CANNON. As I understand you from this letter—which I will ask you to give to the stenographer and let it go in your evidence—that after you deduct the cost

of the repairs to the *Hartford* (and from this statement it appears that the repairs are needed, aggregating \$207,389, for which there is available \$135,000). If this estimate of \$50,000 is allowed how would you expend that amount making these repairs, so far as it will go?

Commodore HICHBORN. I would, so far as it would go.

Mr. CANNON. And if you do not get it, of course those repairs will not be made?

Commodore HICHBORN. Not until July.

Mr. CANNON. Not until next year's appropriation becomes available.

Commodore HICHBORN. No, sir; the work will be stopped.

Mr. CANNON. I want to ask you whether or not these items as given here are urgent and important?

Commodore HICHBORN. They are, in every case. We have work which is likely to occur. I have only enumerated the work up to the 1st of March. We will have a good deal of work on vessels coming from Rio after the 1st of July. General repairs are likely to be called, and we have also vessels which are now in Japan, which will need repairs. We have other vessels which are likely to go to the Bering Sea. The *Philadelphia* must go to Honolulu, and she has been dry-docked.

Mr. CANNON. Those vessels you speak of, and the repairs to the vessels coming from Rio, are not included in this \$50,000; so that you not only need to make these repairs, but you will have no money with which to refit, clean, or repair any of the vessels you indicated a moment ago.

Commodore HICHBORN. I have \$50,000 available, and I will make it go as far as I can. On top of that, there is an accident to one of our vessels which was caught in a typhoon, and has been dry-docked in China.

Mr. CANNON. What I want to get at is whether there is likely to be a real embarrassment to the public service, so far as the Navy is concerned, if you do not get what you ask.

Commodore HICHBORN. I consider it will not only be an embarrassment, but a detriment. It will increase expenses.

The CHAIRMAN. You have acknowledged that this estimate is simply for this purpose. Do you think the Department is dealing fairly with us in sending an estimate nominally for this purpose, when it is really needed and intended for those two ships?

Commodore HICHBORN. I have to obey orders.

The CHAIRMAN. Of course this is not a personal matter with you.

Commodore HICHBORN. Even in the estimate to carry on the work the estimates of the Department are not always taken.

The CHAIRMAN. You can not anticipate this appropriation?

Commodore HICHBORN. No, sir.

The CHAIRMAN. Suppose this bill does not get through before the middle of July, will it help you any?

Commodore HICHBORN. No, sir.

The CHAIRMAN. In order to meet the exigency to which you refer that appropriation should be on the urgency deficiency bill.

Commodore HICHBORN. That is where it started.

The CHAIRMAN. I beg your pardon, that was needed for those two ships.

Commodore HICHBORN. But the ships are not named.

The CHAIRMAN. This \$50,000 was intended for those two ships?

Commodore HICHBORN. Yes, sir.

The CHAIRMAN. Then why come back on us with this thing?

Commodore HICHBORN. I only do it in a begging sense. I know very well that this money has been allowed.

The CHAIRMAN. I understand from you that this estimate is for the two ships already provided for?

Commodore HICHBORN. That is what it was asked for. If we do not get it we will have to keep within the money.

The CHAIRMAN. You have been doing that.

Commodore HICHBORN. But our Navy has been getting larger.

The CHAIRMAN. Generally, you do not have so much repairs to new ships as to old ones?

Commodore HICHBORN. There are certain kinds of expenses to be borne.

The CHAIRMAN. In a new house you do not need as many repairs as in an old one?

Commodore HICHBORN. That is true. Two of our ships are not new—the *Atlanta* and the *Boston*. It will require \$52,000 to repair the *Boston*.

The CHAIRMAN. Unless you get this immediately it will not do you any good?

Commodore HICHBORN. No, sir.

Mr. CANNON. In other words, the *Boston* and various other ships, new and old, owned by the Government, are now, in their present condition, as useless to the Government as though they were at the bottom of the sea?

Commodore HICHBORN. It is hardly as bad as that, because we have these ships which need to be painted.

Mr. CANNON. Take the case of the *Boston*?

Commodore HICHBORN. She is of no earthly use.

Mr. CANNON. How much did she cost?

Commodore HICHBORN. Probably a million and a half.

Mr. CANNON. Now she is absolutely useless for want of sufficient money to repair her?

Commodore HICHBORN. Completely so.

Mr. CANNON. And she must remain useless until that money is appropriated in this bill, or until you get it on the 1st of July next?

Commodore HICHBORN. Yes, sir.

Mr. CANNON. If you get this money you would commence repairs on the *Boston*, and if you do not get it you can not do that?

Commodore HICHBORN. If we do not get it we must stop work.

SPERANZA, BARK.

STATEMENT OF THOMAS WASHINGTON, ENSIGN.

The CHAIRMAN. I wish you would send us the papers in the cases of these vessels.

Mr. WASHINGTON. The papers in the case of the *Speranza* are voluminous. There was a court of inquiry, and damages were assessed and awarded.

The CHAIRMAN. Did the court say these damages were sustained by this vessel because of the negligence of the U. S. S. *Monongahela*?

Mr. WASHINGTON. Yes, sir.

Mr. CANNON. An investigation was had?

Mr. WASHINGTON. Yes, sir; it was held on the 2d of August, and in the first case the regular court of inquiry was held, and it awarded damages to the Norwegian bark of the price of labor.

NICKERSON, J., SCHOONER.

Mr. CANNON. In both of these cases the necessary inquiries have been made?

Mr. WASHINGTON. Yes, sir.

WEDNESDAY, March 28, 1894.

PUBLIC LAND.

SURVEYS, EXAMINATION OF.

STATEMENT OF HON. S. W. LAMOREUX, COMMISSIONER OF GENERAL LAND OFFICE, AND MR. WILLIAM C. BRALY, CHIEF OF DIVISION OF ACCOUNTS.

The CHAIRMAN. In the first item I see you ask for a reappropriation of \$33,568.94.

Mr. LAMOREUX. You know what that is, of course.

The CHAIRMAN. This is to be spent for the examination of public surveys—

Mr. LAMOREUX. There was \$75,000 appropriated, and under the law unless it is used within two years it goes back into the Treasury.

The CHAIRMAN. Is it for two years or for three years?

Mr. BRALY. This is only available for one year at a time, because examinations are not made under contract.

The CHAIRMAN. You say contracts are out covering all this amount?

Mr. BRALY. The appropriation for surveying for 1893 was \$300,000 and \$75,000 for examinations, and during that year there was contracted \$259,000 of that \$300,000 only.

The CHAIRMAN. It is of the \$75,000 only I wish to know?

Mr. LAMOREUX. \$75,000 is a portion that belongs to that \$375,000.

Mr. BRALY. Of the \$75,000 there was a balance unexpended, as mentioned there, of \$33,000.

The CHAIRMAN. Unexpended when?

Mr. BRALY. During that fiscal year, 1893.

The CHAIRMAN. How much has been expended during the present fiscal year?

Mr. BRALY. There is none of it expended, because that can not be expended only except during the fiscal year for examinations. Now, contracts let within a year and to be completed at some subsequent time may be paid from the appropriation if paid within the time, but these examinations are not let under contracts but are paid from the appropriation for the current fiscal year in which the work is done, and unless the work was done in 1893, although surveys have been made, unless examinations were made during the fiscal year 1893 the appropriation is not available.

The CHAIRMAN. The contracts were let, and you need this money to examine them?

Mr. BRALY. To examine these contracts after the contracts are returned. We can not accept a contract under the law until after it is examined. Now, this \$75,000 was for the examination of these contracts, and the contracts were not completed within the year, so of the \$75,000 \$33,000 went back into the Treasury.

The CHAIRMAN. What will become of these contracts; will they lapse if the examinations are not had of the surveys?

Mr. LAMOREUX. Oh, they will have to be examined, of course, because it would be a loss. We would have to pay for the surveys, and if we should not pay for the examinations, why we would lose the surveys. They will not be accepted by our Department. I can not approve of the contract until after it has been examined and returned, showing the survey has been properly made.

The CHAIRMAN. Are these contracts to be returned the amount of surveys to be made during the present fiscal year?

Mr. LAMOREUX. They should be.

The CHAIRMAN. By the 1st of July?

Mr. LAMOREUX. Yes; the examinations are pretty much to be made from the 1st of May until the 1st of July.

The CHAIRMAN. Because this appropriation will be only for the present fiscal year?

Mr. BRALY. They are coming in all the while and work is being done. Here is where the difficulty arises in this matter. Now, there has usually been an ample appropriation set aside for these examinations, and what we were short on one year could be paid out of the appropriation the next year, but in this instance we had last year \$75,000 and the committee dropped that to \$30,000. Now, there was just as much work to do this year as last and possibly more, and we only had \$30,000 to expend within this fiscal year, which was wholly insufficient to meet the expenses necessary. Now, if we can get this reappropriated—this appropriation already made available for work done within this fiscal year that could not be done last fiscal year because the surveys had not then been completed—why we can meet the whole matter. Now, if there had been an appropriation for the present year of \$75,000 given, we could have met all of these examinations from that appropriation and perhaps had a balance left.

The CHAIRMAN. Out of the appropriation for the next fiscal year, which begins on the 1st day of July, could not you use a portion of that fund?

Mr. BRALY. Yes; but we understand that to be very limited—

The CHAIRMAN. I think it is \$45,000, \$15,000 more than you had before.

Mr. BRALY. We asked for \$75,000 to be set aside for that purpose, and that was cut down to \$45,000. That is still wholly insufficient to examine the surveys that ought to be examined during this fiscal year. When a survey is made there must be an examination, which is made by a regular examiner of the office or by a special examiner appointed for that purpose, and he makes his report, and then the examination is accepted and then it is passed for payment, and until these examinations can be had the survey is never passed, nor can the surveyor get his pay for the work done.

The CHAIRMAN. How much of the appropriation for this purpose for the present fiscal year has been expended up to date?

Mr. BRALY. Well, practically all. There is just enough left, as I understand it, to meet the estimated expenses of 5 regular examiners, who belong to the office, during the rest of this fiscal year, and we have to stop at that; but a great many more examinations would have been ordered if there had been a sufficient appropriation. There are 5 regular examiners who are retained in the office all the time, and then there are special examiners appointed from time to time by the surveyor-general, who examine surveys that can not be reached—

The CHAIRMAN. The trouble about the appropriation is, you say, it ought to have been \$75,000 instead of \$30,000 for the present year; but you can not use all of \$75,000. You did not use all of the appropriation you had the year before last; you only used about \$42,000?

Mr. BRALY. Well, I can not answer as to that, but I presume the surveys were not ready for examination; but they have accumulated and are ready now and we need the money to examine them.

REGISTERS AND RECEIVERS.

The CHAIRMAN. The next item is, "For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, etc." For 1894 you ask a deficiency of \$50,000. The estimate for 1894 was \$550,000, and the appropriation for 1894 was \$520,000. How much of that appropriation is now unexpended? I want an accurate statement as to how much you have unexpended on this date?

Mr. BRALY. Of the \$520,000 of appropriation we have unexpended on this date \$126,775.50.

The CHAIRMAN. Now, you are asking \$20,000 more than your estimate, notwithstanding this law—"And it shall be the duty of the Secretary of the Interior to consolidate the district land offices so as to bring their total compensation for the fiscal year of 1894 within this appropriation." Now, instead of consolidating them, so as to bring them within this appropriation of \$520,000, as the law required, you propose to increase it \$50,000, making it \$570,000, \$20,000 more than your appropriation for 1893?

Mr. LAMOREUX. You understand that?

The CHAIRMAN. No, sir; I can not understand why the law should not be complied with.

Mr. LAMOREUX. In the first place there are four new offices, created by act of Congress.

The CHAIRMAN. This year?

Mr. LAMOREUX. Yes, sir.

The CHAIRMAN. When did these laws go into effect?

Mr. LAMOREUX. The offices were opened in September. The consolidation of offices does not increase the amount of money going to the Treasury in certain respects, but consolidating increases the expenses of clerk hire, etc., in offices where the consolidation is made.

The CHAIRMAN. But you are not asking for clerk hire; you are asking for salaries and commissions of registers; it is purely a salary list.

Mr. LAMOREUX. Another reason is, consolidations have not all been made. Some of them were suspended by a resolution introduced into the Senate out of deference to the Senate. The Secretary ordered the suspensions of certain consolidations—

The CHAIRMAN. Would a simple resolution of the Senate control the execution of the law?

Mr. LAMOREUX. It has been a custom after a resolution has been introduced in either House, as I understand it, asking that matters be suspended until an examination was had of whether it was feasible to consolidate the offices in Colorado, California, etc., for us to suspend action until the Senate or House takes its action, giving them an opportunity to do so.

The CHAIRMAN. How many offices have been consolidated?

Mr. BRALY. Fourteen, I think; that is, 13 and another one ordered, which will make 14 that have been abolished by consolidation with other offices.

The CHAIRMAN. How many new offices against that have been created?

Mr. BRALY. Four.

The CHAIRMAN. So you have ten fewer offices than you had in 1893, and yet you ask for \$20,000 for salaries and commissions more than you had in 1893?

Mr. LAMOREUX. Well, the salaries and commissions are fixed by law and they do not get a cent to which they are not entitled.

The CHAIRMAN. You have got offices less than you had in 1893?

Mr. LAMOREUX. Yes; \$10,000 in salaries, and the commissions have been reduced a little.

The CHAIRMAN. But in point of salaries you have \$10,000 less than in 1893, and yet you are asking for \$20,000 more.

Mr. LAMOREUX. Was there not a deficiency that year?

Mr. BRALY. There was a deficiency of about \$8,500.

The CHAIRMAN. That is \$8,500 more only?

Mr. BRALY. In addition to that there came in four new offices, which were \$6,000 each, which would be \$24,000.

The CHAIRMAN. But there is a reduction, though, of so many offices.

Mr. BRALY. You must remember this estimate was made last August.

The CHAIRMAN. Then, what do you want now?

Mr. BRALY. And we discuss it from a different standpoint now than from what we did then.

The CHAIRMAN. We want you to give us your best judgment as to what you want.

Mr. LAMOREUX. I do not want a dollar more than is necessary to run the office.

Mr. BRALY. As I understand it we are not now asking anything except \$8,500 for 1893; we do not want that appropriation we asked for last August or September, although I think likely there will be a few hundred dollars deficiency.

The CHAIRMAN. How much?

Mr. BRALY. I can not tell, but I think it would be better to let it go over, as last year.

The CHAIRMAN. Then you do not want this appropriation of \$50,000?

Mr. BRALY. We are not asking that now. We asked that last August, and if we could have gotten that it would have obviated some consolidations made necessary.

The CHAIRMAN. You say you do not want that appropriation of \$50,000?

Mr. BRALY. No, sir.

The CHAIRMAN. Now, in regard to the item for 1893 of \$8,500, is that an ascertained deficiency, and how does that deficiency occur?

Mr. BRALY. That was an ascertained deficiency approximately. It is within a few hundred dollars. I think the actual deficiency ascertained was perhaps \$200 or \$300 short of that, but as it was thought possible there might be the whole amount needed it was put in round numbers at \$8,500.

The CHAIRMAN. Can you give me the exact amount when you return to the office?

Mr. BRALY. I want to say this, that has been reduced somewhat by the action of the Treasury.

The CHAIRMAN. What is the actual deficiency?

Mr. BRALY. As I understand, it is about \$7,654.09.

The CHAIRMAN. Now, I understand that it is the actual deficiency?

Mr. BRALY. That is the actual deficiency. If you will examine into this you will find so much due the registers and receivers on salary and commissions, and you will find also a small balance due to them by the Government on account of money advanced by them to pay contingent expenses. Now, notwithstanding this appropriation was exhausted when these accounts were transmitted to the Secretary they adjusted them by giving them offset in the amount due to them and in that way they have used the appropriation for contingent expenses to practically increase the appropriation for salaries and commissions, and the small amounts that have been credited at the Treasury Department have reduced the actual deficiency, the actual amount due these registers and receivers, from \$8,500 to \$7,654.09.

The CHAIRMAN. Go to the next item, "To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official maps and surveys," etc. You ask \$47.75?

Mr. BRALY. That is the amount due the New York Press Company for advertising. This is actually due on adjusted accounts, and part of it is for—

The CHAIRMAN. Is not that a strange way to express that item?

Mr. LAMOREUX. How is that, Mr. Braly?

Mr. BRALY. The only \$47.75 we have here—I do not know how it comes in the bill; in our estimate it is to pay the Globe Printing Company of St. Louis for advertising proposals for photolithographing township plate, authorized August 31, 1892, \$15.75, and to pay the New York Press Company, Limited, for advertising proposals for photolithographing, \$32, making a total of \$47.75, that is due those people on adjusted accounts of advertising.

The CHAIRMAN. Those are ascertained accounts?

Mr. LAMOREUX. Yes, sir.

The CHAIRMAN. Do you know anything about the next item, "To reimburse Samuel W. McGee, special agent of the Land Office," etc.?

Mr. LAMOREUX. We could not allow that under our rules, and I said that that would have to go before Congress, as that was the only way that it could be allowed.

The CHAIRMAN. Are the facts as stated?

Mr. LAMOREUX. I think the facts are stated correctly, but under the rule adopted in our office we could not allow it. I think his member of Congress tried to get that settled, and it was referred to the accounting division, and they claimed that under the act it could not be done. As a matter of equity he is entitled to it.

ARIZONA, SURVEYOR-GENERAL.

The CHAIRMAN. The next item, "For office of surveyor-general of Arizona." The estimate for 1894 was \$3,000 and the appropriation for 1894 was \$3,000; how much of that is yet unexpended?

Mr. BRALY. I presume only the pro rata of that is expended. As I understand the increased appropriation was asked for to enable them to employ additional clerical force in the office.

The CHAIRMAN. Suppose this bill does not become a law before, say, the 1st day of June, you would not want it?

Mr. BRALY. The estimate was made last fall to enable them to increase their clerical force.

The CHAIRMAN. So, really, you do not wish it now?

Mr. BRALY. We can not use it.

The CHAIRMAN. All right; I understand it is not necessary to make the appropriation.

Mr. BRALY. The bill would not pass until very near June and the money would go back into the Treasury.

The CHAIRMAN. The next item is, "For rent of office for surveyor-general, pay of messenger, fuel, books, stationery, and other incidental expenses, \$300." Will you need that?

Mr. BRALY. We have no recent information from them about that. The latest we had from them was that the appropriation made would not pay for the rent and one or two other items referred to, and I presume if he has had those things he has had to pay out of his private means.

Mr. LAMOREUX. The question is whether that has been expended?

Mr. BRALY. I think the only information we have is contained in the letter. (See note.)

Mr. LAMOREUX. That is all we know.

The CHAIRMAN. You do not, independent of that statement, really know whether there is a deficiency; you have given no authority?

Mr. LAMOREUX. No, sir; I do not think we have; we know nothing beyond that note.

IDAHO CONSTITUTIONAL CONVENTION.

STATEMENT OF HON. WILLIS SWEET, A REPRESENTATIVE FROM THE STATE OF IDAHO.

The CHAIRMAN. We will hear you in regard to this item of "Constitutional convention, State of Idaho."

Mr. SWEET. Our constitutional convention was held, as I presume you remember, without authority of law. We held a convention, adopted a constitution, and submitted it to Congress for ratification, together with the expenses of that convention. The expenses amounted to \$28,000. That constitution was ratified and under that act we were admitted, and the act carried with it an appropriation of \$28,000 for the expenses of that convention as stated.

When we met in convention, not having first the authority of Congress, of course we had to provide means to cover the expenses of the members, and we voted a per diem of \$6 a day, limiting the convention, I think, to sixty days—perhaps it was thirty days, I do not remember as to that although I was a member—as most of the members were not able to pay their expenses. You know how that would be. We therefore organized a committee of men in Boise City, the capital of the State, who guaranteed to a bank this money in the event that Congress should refuse to ratify the constitution and pay the expenses, as is customary. The bank upon that guarantee cashed the certificates issued by the convention to its members for per diem and other expenses. The \$28,000 appropriation by Congress covered the per diem, but there was in this bill a statement which provided that the members of the constitutional convention should receive the same per diem paid to members of the legislature. The per diem paid to the members of the legislature was \$4 per day; therefore, when the disbursing officers came to pay out this money, while this \$28,000 covered \$6 per diem as stated, yet they found in the bill another clause which provided they should receive the same per diem as the members of the legislature, and they therefore refused to pay it.

The CHAIRMAN. And the \$2 difference is the point involved?

Mr. SWEET. Yes, sir; and that is the point involved. The bank cashed the certificates on the basis fixed by the convention.

The CHAIRMAN. Is there any question of fact as to the amount of these expenses?

Mr. SWEET. Not the slightest.

The CHAIRMAN. Have the expenses been certified to the Treasury Department in an official authenticated form?

Mr. SWEET. That I do not know anything about, but the expenses were submitted at the time the bill admitting the State into the Union was passed and the appropriation was made on that basis. Now, let me explain one statement, before I call your attention to this letter. I will tell you why the money has not been paid back. We introduced this resolution at the last session of Congress and the money had not then been covered into the Treasury. We went to the Comptroller of the Currency and explained to him it was still there on deposit as a part of that \$28,000 and asked him if he would not allow it to remain there until we could obtain some action from Congress on this question. He did.

Now, a joint resolution was introduced, the same as I presented here, and it passed the Senate and came over to the House. I submitted it to Mr. Holman and Governor Dingley, Mr. Holman having been the chairman of this committee in the last Congress. They agreed to report the bill and Mr. Holman handed it over—the clerk will probably remember that—to Mr. Dingley. Mr. Dingley asked recog-

nition on the day that this arrangement was made, but he did not receive it, and the next day he left for Maine. Now, when he came back it was late in the session and he did not get recognition, and Congress adjourned without any action having been taken on that resolution. When the Fifty-third Congress met, Senator Shoup and myself called upon the Comptroller and made the same request of him that we had made on the Comptroller in the Fifty-second Congress, and he gave no satisfaction either way and did not say much about it. He did not say whether it was satisfactory or unsatisfactory, and that letter is hardly in accord with the language he used to us. He did give us to understand that he was at all displeased about it, and we told our people we would present this matter and had no doubt it would be allowed.

Now, I would like to read this little report, which will explain the matter better than I can.

The CHAIRMAN. Just leave that with us here.

Mr SWEET. Very well. It is the report by Mr. Platt, from the Senate Committee on Territories, explaining what I have stated.

The CHAIRMAN. You have done nothing else in the House this session in regard to this matter except to introduce the joint resolution and have it referred to this committee?

Mr. SWEET. That is all.

The CHAIRMAN. No other committee has been considering this matter?

Mr. SWEET. No, sir.

INTERIOR DEPARTMENT.

CONTINGENT EXPENSES.

STATEMENT OF MR. JOSEPHUS DANIELS, CHIEF CLERK INTERIOR DEPARTMENT.

The CHAIRMAN. Please explain the reason for this expenditure under the head of contingent expenses, Interior Department.

Mr. DANIELS. It is most all of it for advertising the schedules of land within the Cheyenne and Arapahoe reservations opened to the public for settlement.

The CHAIRMAN. I notice you pay to one paper in Oklahoma \$555.20. Is not that high?

Mr. DANIELS. I should think that was a pretty high price, but that was the contract made.

The CHAIRMAN. By your predecessor?

Mr. DANIELS. Yes, sir. All I know about this is just the statement left to us. These contracts had been made and when the bills came in there was no money to pay them.

The CHAIRMAN. Those are ascertained accounts?

Mr. DANIELS. Yes, sir.

The CHAIRMAN. How long was this advertising?

Mr. DANIELS. I do not know, sir. It just states the amount.

The CHAIRMAN. Have you got any information in the Department about it?

Mr. DANIELS. Oh, yes, sir.

The CHAIRMAN. I wish you would let me know all about it?

Mr. DANIELS. I will learn just exactly how much space it occupied.

The CHAIRMAN. How much space, and how many times for each of these papers, the Daily Times Journal, the El Reno Eagle, and Globe Printing Company.

Mr. DANIELS. All right, sir. I did not look at that, because they were stated accounts.

RENT OF BUILDINGS.

The CHAIRMAN. The next item is "Rent of building." Please explain that deficiency of \$3,666.64?

Mr. DANIELS. Up to July we had a part of the Land Office in our building, on the corner of G and Eighth, which was very unsafe.

The CHAIRMAN. That was up to July 1?

Mr. DANIELS. Yes, sir; of last year. Then a commission was appointed by the Secretary, and here is the report of the commission (exhibiting same). The commission was to make a report of what was best to be done about the building, and they reported the Land Office ought to be moved from that building, as the records were unsafe and it was not fireproof, and should be moved into the Patent Office proper, and they also recommended that a part of the Union building used as the city post-office should be rented and the Patent Office models should be put in that

building. That was done, and it cost us for the Union building \$13,000 a year; I think a very high price.

The CHAIRMAN. Are you paying \$13,000 a year?

Mr. DANIELS. Yes, sir; for the Union building.

The CHAIRMAN. How much space do you occupy?

Mr. DANIELS. We occupy two floors. I have forgotten the number of feet. We had \$4,800 for the land office and \$2,000 for the storage of documents, and then we contracted to spend \$15,000, of which we had only \$6,800.

The CHAIRMAN. Now, you say you have got two floors?

Mr. DANIELS. Yes, sir.

The CHAIRMAN. And what space?

Mr. DANIELS. I have it here somewhere—19,000 square feet on each floor—aggregating 38,000 square feet.

The CHAIRMAN. And those two floors are used exclusively for what purpose?

Mr. DANIELS. For the models of the Patent Office.

The CHAIRMAN. For nothing else?

Mr. DANIELS. Nothing else.

The CHAIRMAN. You are paying \$13,000 just simply for a place to put the models in?

Mr. DANIELS. Yes, sir.

The CHAIRMAN. Are all the models of the Patent Office in there now?

Mr. DANIELS. Nearly all.

The CHAIRMAN. How many, four-fifths?

Mr. DANIELS. Nine-tenths of them; well, all except those we sent to Chicago.

The CHAIRMAN. So those two floors are for the benefit of the Patent Office?

Mr. DANIELS. Entirely.

The CHAIRMAN. Are those models referred to now for any purpose?

Mr. DANIELS. I have recently ordered the man in charge to give me a report. My own opinion about it is that it was a very great mistake to have moved the models. That is my own opinion about it.

The CHAIRMAN. Upon what grounds?

Mr. DANIELS. On this ground, that we pay too much money for a building to put models in only to store away. I do not think many people go over there. I am having a list prepared now to make everybody who goes there register.

The CHAIRMAN. How many people have you there to take care of the models?

Mr. DANIELS. Very few.

The CHAIRMAN. How many?

Mr. DANIELS. They detail them from the Patent Office roll, but I do not think there are more than half a dozen, if that many, but I can ascertain exactly.

The CHAIRMAN. I wish you would ascertain exactly how many?

Mr. DANIELS. I will, but it is purely for exhibition.

The CHAIRMAN. They are used purely for exhibition?

Mr. DANIELS. Yes, sir.

The CHAIRMAN. Let me know how many people are employed over there and, also, I want to know how many visitors go there, say in thirty days?

INDIAN SUPPLIES, TRANSPORTATION OF.

STATEMENT OF MR. S. B. SLATER, FINANCIAL CLERK, INDIAN BUREAU.

The CHAIRMAN. For the transportation of Indian supplies you have a deficiency of \$10,000. This is a deficiency for 1893?

Mr. SLATER. The present year, sir.

The CHAIRMAN. No; for the fiscal year ending June 30, 1893; for the last year and not the present year? Are these ascertained deficiencies?

Mr. SLATER. The most of that since the estimate was made—I will explain the accounts have been audited and certified to the extent of \$6,155, as appears in Ex. Doc. No. 93. I assume those certified claims will be paid as certified in the usual way. If that is the case this item of \$10,000 can be reduced to \$3,000. That is to pay some Indian freighters out in the field that have not yet been paid. This, is of course, on the assumption the certified claims will be provided for in the usual way.

The CHAIRMAN. Do they come in the class of certified claims?

Mr. SLATER. This \$3,000? No, sir. They are paid to the Indian freighters in the field by the agents out there.

The CHAIRMAN. I do not exactly understand you; how is the balance of \$6,000 to be paid?

Mr. SLATER. They are certified claims.

The CHAIRMAN. From what fund are they paid?

Mr. SLATER. Transportation of Indian supplies. They come in as audited claims.

The CHAIRMAN. How much do you want now?

Mr. SLATER. Three thousand dollars, I think, will be ample.

The CHAIRMAN. Do not you think \$3,000 will be too much?

Mr. SLATER. No, sir.

The CHAIRMAN. What is necessary? I want to know just exactly your best opinion.

Mr. SLATER. The nature of the case is such that we can not get at it exactly, but it will take nearly \$3,000, if not quite that much.

The CHAIRMAN. Explain the character of this expenditure?

Mr. SLATER. It is to haul goods from the railroad destination to the agency. Goods are shipped under contract from point of shipment to the railroad station and we employ Indians to haul them to the agency, and in some instances they are very heavy goods.

The CHAIRMAN. What is the appropriation for this year?

Mr. SLATER. Two hundred and seventy-five thousand dollars.

The CHAIRMAN. How much have you on hand at this date?

Mr. SLATER. I did not bring the balance with me.

The CHAIRMAN. This is for the last fiscal year, 1893?

Mr. SLATER. Yes, sir; that is what it will take, \$300,000 to transport our goods, but Congress never gives us over \$275,000, and last year we had to pay the rent of a warehouse out of it in addition to the regular transportation.

The CHAIRMAN. Have you not had time to ascertain the exact amount of this account so as to cover the \$3,000?

Mr. SLATER. I presume by going through the different agency accounts I could ascertain it, but it would be somewhat laborious to do it.

The CHAIRMAN. So you think \$3,000 will be ample for this appropriation?

Mr. SLATER. That is our best judgment.

SURVEYING AND ALLOTING INDIAN RESERVATIONS.

The CHAIRMAN. The next item is "Surveying and allotting Indian reservations;" you ask a deficiency of \$10,000?

Mr. SLATER. Yes, sir; but since that estimate was made Congress has appropriated \$4,875.

The CHAIRMAN. And you do not want this appropriation?

Mr. SLATER. In the original letter, in the letter accompanying it, the exact figures referred to paid for the work ending the fiscal year were \$8,477, and of this \$4,875 was appropriated in the urgent deficiency bill.

The CHAIRMAN. And you want the difference between—

Mr. SLATER. Between \$8,477 and \$4,875 \$3,602.

The CHAIRMAN. That is the appropriation you want?

Mr. SLATER. Three thousand five hundred dollars will do. This work is done under contract through the Land Office.

The CHAIRMAN. The next item is, "Incidentals in California," you want a deficiency of \$87,27?

Mr. SLATER. That is a very trifling matter which is due a big house in San Francisco and has been for years. We did not have funds enough and the Comptroller ruled he could not certify because it was not presented within a certain time; but the goods were gotten and—

The CHAIRMAN. Are these just accounts?

Mr. SLATER. Yes; and they have been out of their money five years.

The CHAIRMAN. The next item is "For contingencies, \$40.50, for amount due Isere Lightner, special Indian agent, etc." Is that a just matter or not?

Mr. SLATER. The Secretary ordered us to put that in, and we did it; and so I presume it is.

The CHAIRMAN. You have no personal knowledge?

Mr. SLATER. I have no personal knowledge, but it was done by the direction of the Secretary of the Interior.

CAPITOL BUILDING.

STATEMENT OF MR. EDWARD CLARK, ARCHITECT OF THE CAPITOL.

The CHAIRMAN. The first item here is "For work at Capitol and general repairs thereof, including wages of mechanics and laborers, \$10,000." You can not spend \$10,000 from the time this bill becomes a law until the 1st of July?

Mr. CLARK. We can get along with \$8,000.

The CHAIRMAN. When was this estimate made?

Mr. CLARK. In December.

The CHAIRMAN. Now, this bill will not become a law before the 1st of June. Can you expend that \$8,000 in one month?

Mr. CLARK. No; but we can not do any work, because our funds will run out this month.

The CHAIRMAN. How much have you on hand now?

Mr. CLARK. Five hundred dollars.

The CHAIRMAN. How much do you think you can get along with?

Mr. CLARK. Eight thousand dollars.

The CHAIRMAN. Five thousand dollars would be enough for you, will it not?

Mr. CLARK. We could get along with \$5,000, but I think we ought to have \$8,000, because our money will be entirely out and we owe \$1,300 on the balance of this plumbing that will be paid out of it, and I want to go on with the painting of the dome because there is a great deal of work to be done there, and I do not want to have the men all idle.

The CHAIRMAN. This is intended to keep the men at work in the hard times?

Mr. CLARK. No; that is not the primary object.

Mr. CANNON. You need \$8,000 to repair and keep the Capitol in good shape?

Mr. CLARK. Yes, sir.

The CHAIRMAN. The next item is "Paintings in the Capitol, \$2,000." Is not that \$8,000 enough for the whole business?

Mr. CLARK. That I have nothing to do with.

The CHAIRMAN. And the appropriation ought not to be made now anyhow?

Mr. CLARK. There are several paintings in the Capitol which need retouching and varnishing and regilding.

The CHAIRMAN. How much ought it to be?

Mr. CLARK. Is this the deficiency bill? I would not put it in because it could not be used in time; it ought to be in the regular appropriation bill.

The CHAIRMAN. "Improving the Capitol grounds, \$3,000."

Mr. CLARK. We can get along with \$1,000—

The CHAIRMAN. How much do you say you want?

Mr. CLARK. One thousand dollars we can get along with.

Mr. CANNON. One thousand dollars instead of \$3,000?

Mr. CLARK. Yes, sir; but in that case I would want to cut out the artificial stone pavement, because we can not do any of that.

Mr. CANNON. You want the artificial stone pavement out?

Mr. CLARK. Yes, sir.

Mr. CANNON. The next item is "Lighting the Capitol." How much are you paying for lighting the Capitol now?

Mr. CLARK. I will show you. Last month the gas bill for the Capitol was \$2,986.75. Now, then we pay for electric-lighting service, \$330.80; for superintendent of meters, lamplighters, gas fitters, etc., we paid \$210; that makes \$3,527.55, which for six months would make \$21,165.30, and we had a balance on hand January 31, 1894, \$8,855.86, leaving \$12,309.44.

Mr. CANNON. You say it was \$3,527.55 last month?

Mr. CLARK. Yes, sir.

The CHAIRMAN. You have some lamps out here on the grounds. How much do you pay for lighting?

Mr. CLARK. We have meters.

The CHAIRMAN. How much a thousand feet do you pay?

Mr. CLARK. One dollar and twenty-five cents.

The CHAIRMAN. Why is it that you pay so much?

Mr. CLARK. That is the price.

The CHAIRMAN. How does that compare with what the city pays?

Mr. CLARK. The city does not pay by meter. They pay so much per lamp, and my impression is it costs less than the city, so the superintendent says, but I have not investigated that.

The CHAIRMAN. Do you mean to say you pay less than the city?

Mr. CLARK. That is what it is. We pay \$1.25 a thousand, the same as is charged private parties. I have not got that here.

The CHAIRMAN. You asked for 1894 \$24,000 and you got \$24,000. Now, I want to know how is it that you want \$11,000 more. You have spent only \$24,000—with the exception of 1892, in which you spent \$25,333.07, ever since 1890 you have been spending \$24,000 a year.

Mr. CLARK. Owing to the called session of Congress, running from August 7 to November 3 last, and to the extraordinary number of night sittings of the House during the months of the present session of Congress, the cost of the gas service and the rent and maintenance of the electric lighting plant of the Capitol has been largely increased.

The CHAIRMAN. Twenty-four thousand dollars a year is at the rate of \$2,000 a month during the year?

Mr. CLARK. Well, during the month of December the gas bills—

The CHAIRMAN. How much was it during the month of December?

Mr. CLARK. Two thousand two hundred dollars, and January \$3,300.

The CHAIRMAN. Well, it is \$2,200 during the month of December. Congress met August, September, and October, and you are asking \$11,000 extra for those three months. You will have to revise your figures.

Mr. CLARK. I can not revise the figures because in that case I would have to reduce the service of gas.

The CHAIRMAN. Heretofore you have been getting along with \$21,000 a year, and you say that the December expenditure was \$2,200. Now, how is it then for the three months of August, September, and October, you are charging over \$3,000 a month, over \$3,500?

Mr. CANNON. Three thousand five hundred and twenty-seven dollars and fifty-five cents is the monthly expenditure; I do not know whether that is right or not.

Mr. CLARK. Here are the bills and we are as economical in the service of gas as we can be.

The CHAIRMAN. Before we pass this item I want you to furnish me with a statement of what was expended in August, September, and October.

Mr. CANNON. Had not he better take every month, including July, for the last fiscal year up to the present time?

The CHAIRMAN. Yes; I want to know just what was the expenditure, and I want it for each month under this item of lighting Capitol and grounds.

Mr. CLARK. Yes, sir.

The CHAIRMAN. You have not got that with you?

Mr. CLARK. I will have to have that made out.

The CHAIRMAN. It seems to me that that is what we need.

Mr. CLARK. We have to light the Botanical Gardens, the Maltby building and Senate folding room adjoining, Senate and House stables, and the rooms occupied by the House and Senate post-offices at the city post-office.

The CHAIRMAN. Do you say you light the city post-office?

Mr. CLARK. No, sir; only the rooms occupied by the force of the Senate and House post-office there.

The CHAIRMAN. Are there any other items?

Mr. CLARK. There was a deficiency last year for lighting; there is an actual balance due last year.

The CHAIRMAN. How came that deficiency to accrue? Why is it you spent in 1890, 1891, and 1892, \$24,000, and yet now you want nearly \$27,000 for last year?

Mr. CLARK. There is a deficiency of about \$2,000.

The CHAIRMAN. There is a deficiency but for one year. In 1892 you had a deficiency of \$1,333.75, and now you want a deficiency of \$2,989.50 for 1893.

Mr. CLARK. Well, I will tell you how that occurred. Of course the gas service varies in amount, and you can not tell exactly what it is, but we presume it will average \$24,000; but we had been paying out of the appropriation made for Senate lighting plant half of the expense of running the electric light, but a year ago they decided at the Treasury that that half could not be paid out of the Senate fund, but paid out of this appropriation.

Mr. CANNON. This last item is an expenditure; it is a deficiency.

Mr. CLARK. This service has been performed, and this is actually due them for gas furnished.

DEPARTMENT OF JUSTICE.

THURSDAY, March 29, 1894.

Mr. Charles B. Howry, Assistant Attorney-General; Mr. Henry Hoges, clerk, Department of Justice; and Mr. Howard Perry, acting general agent, Department of Justice, appeared before the committee.

The CHAIRMAN. Which of the appropriations for the Department of Justice ought to be made immediately, that is, before the 1st of June?

Mr. HOWRY. Well, the appropriations for pay of jurors and witnesses for the various Federal courts throughout the country.

The CHAIRMAN. Give the appropriation first.

Mr. HOWRY. Well, for jurors and witnesses.

The CHAIRMAN. Do you need an immediate appropriation for U. S. marshals?

Mr. HOWRY. No, sir.

The CHAIRMAN. What about appropriation for jail expenses?

Mr. HOWRY. The Attorney-General asks that that be made urgent, and the Department thinks that ought to be made urgent.

The CHAIRMAN. What others?

Mr. HOWRY. Those three items embrace generally the very urgent deficiency appropriations. There is a fourth deficiency appropriation that is urgent, of a very small amount, though, and still it is urgent, and that is for the Department over which I have control.

The CHAIRMAN. What is that?

Mr. HOWRY. That is the deficiency of \$5,000 there for the defense of Indian depredations.

The CHAIRMAN. Now, are there any other items except those which you have specially named that are urgent?

Mr. HOWRY. No, sir.

The CHAIRMAN. Is there any in the matter of printing?

Mr. HOWRY. No, sir; I have no knowledge in regard to that. In a conference with the Attorney-General yesterday afternoon we ran over the items pretty generally and we singled out those four.

(The Chairman exhibited and read a portion of a letter from the Attorney-General in regard to a deficiency in printing.)

Mr. HODGES. In regard to that letter you refer to, that is a strong claim and ought to be appropriated for if you can.

INDIAN DEPREDAATION CLAIMS, DEFENSE IN.

The CHAIRMAN. Let us turn to these special matters to which Mr. Howry refers. The first is the defense in Indian depredation claims. You ask for a deficiency appropriation of \$10,646.52?

Mr. HOWRY. Yes, sir.

The CHAIRMAN. I understood you to say just now that you wanted \$5,000?

Mr. HOWRY. Yes, sir; and the original amount asked for could be correspondingly decreased, and, in fact, should be slightly decreased now.

The CHAIRMAN. Well, how much will you want for this year; the entire amount? Mr. HOWRY. The entire amount estimated was \$10,646.52. I think that can be decreased \$1,000.

The CHAIRMAN. Will \$9,000 be sufficient for you?

Mr. HOWRY. Yes, sir; I can try to make it do.

The CHAIRMAN. Do you think it will do?

Mr. HOWRY. Well, yes, sir; but I want to call attention in that connection to this, where we wait until June, the general deficiency does not serve me like a good many other departments; there are special things very much needed, and I can not get on until I get it, and for that reason the amount of the urgent deficiency would be correspondingly decreased from the general deficiency.

The CHAIRMAN. Well, you have had an appropriation already of \$25,000?

Mr. HOWRY. Yes, sir.

The CHAIRMAN. How much of that remains unexpended?

Mr. HOWRY. I have not got the precise figures here, but we estimated day before yesterday we thought it would run about four weeks.

The CHAIRMAN. That is until about the 1st of May?

Mr. HOWRY. Yes, sir.

Later Mr. Howry said: I was asked in regard to the item of Indian depredation claims as to how long the present amount on hand would run us, and I said until May. The deficiencies are not before me, but my judgment now is it will run us until the 20th of May if I do work along the lines which seems necessary, and send out men that ought to be sent out as at present advised.

Later when the item was again reached in going through the items in regular order, Mr. Howry said: If the Department makes the investigations and defense which seem necessary and employs a requisite force sufficient to do the work, that sum would be justified, and not only justified, but necessary.

Mr. CANNON. I understand that that is \$9,000.

Mr. HOWRY. Yes, sir.

JURORS, FEES OF.

The CHAIRMAN. In the item of fees of jurors you asked for an appropriation of \$650,000 for the present fiscal year, and you received an appropriation of \$600,000; how much of that \$600,000 now remains on hand?

Mr. HOWRY. For "fees of jurors" we have on hand \$321.49.

Mr. CANNON. Up to what date?

Mr. HODGES. At the close of yesterday, March 28.

The CHAIRMAN. Will \$50,000 be sufficient?

Mr. HODGES. Yes, sir; we reason this way: We have got, I think, a margin of \$1,000 on 1893, but we have got claims more than that, and we do not send out the \$1,000, because it is only part payment and does not satisfy the courts.

The CHAIRMAN. But I am speaking of 1894 now. You estimated for \$50,000, and I asked if that would be sufficient?

Mr. HODGES. Oh, yes; I think it will.

The CHAIRMAN. Do you require all of the \$50,000?

Mr. HODGES. I should say so; there may be \$1,000 or \$1,500 remaining after all is paid, but it is safer to have the \$50,000 than the \$49,000.

The CHAIRMAN. You think if we would give you this \$50,000 you will not be here the next session for a deficiency?

Mr. HODGES. Not a dollar as far as our judgment goes.

The CHAIRMAN. Your estimate for 1893 was \$650,000 and you received \$625,000, and now you ask for this \$15,355.62; are those ascertained accounts?

Mr. HODGES. That estimate is all ascertained.

The CHAIRMAN. Will that in your judgment cover the expenses for jurors during the fiscal year 1893?

Mr. HODGES. I have the best reason to believe so, because we have had already outstanding notice to marshals to send forward all these items and that amounts to the sum we have received in the last four months.

The CHAIRMAN. I see you have an estimate for 1890 of \$6, is that an ascertained account?

Mr. HODGES. Yes, sir; we have got an itemized statement for every one of these in the Department, and I will send them to you if you wish.

The CHAIRMAN. For 1873 you want \$506.50; how came that deficiency to remain so long?

Mr. HODGES. Because it was unobserved, the Department did not know anything about it until it was brought to the attention of the marshal and he sent it in. He knew nothing about it as these claims were kept in the hands of the claimant and not presented.

The CHAIRMAN. Are they audited accounts?

Mr. HODGES. No, sir; they are accounts certified to by the clerk of the court as being due, certificates given to those men at the time.

The CHAIRMAN. Ought not they to be audited; they are not first passed in the Treasury Department?

Mr. HODGES. These are all claims in the hands of the original holders of the certificates.

The CHAIRMAN. Has the Department approved them?

Mr. HODGES. No, sir; only we know the court has approved them; the Department is not called upon to approve them.

The CHAIRMAN. Does the Department approve of the accounts and think they ought to be paid?

Mr. HODGES. Yes, sir; or we would not ask for it. We do not ask for anything unless we have all the data for it.

WITNESSES, FEES OF.

The CHAIRMAN. Pass to the next item, "Fees of witnesses for 1894," you ask for \$200,000?

Mr. HOWRY. The amount on hand yesterday was \$319.20 as the remaining fund for the payment of witnesses. The amount estimated by the Attorney-General as a deficiency is \$200,000.

The CHAIRMAN. Is it thought that that entire amount will be needed?

Mr. HOWRY. I will read what he says here:

"Marshals are fearful that the judges will adjourn courts unless money is furnished for jurors."

The CHAIRMAN. What I want to know is, will \$200,000 be needed for this purpose during the remainder of the fiscal year?

Mr. HOWRY. Yes, sir; undoubtedly.

The CHAIRMAN. Do you think that will be sufficient?

Mr. HOWRY. Yes, sir.

The CHAIRMAN. For 1893 there is a deficiency asked for of \$15,505.50?

Mr. HODGES. Yes, sir.

The CHAIRMAN. Do you think that will be sufficient to cover that?

Mr. HODGES. Yes, sir; that is all.

The CHAIRMAN. For 1891 you ask for \$14.80?

Mr. HODGES. We want \$5 more on that, which came in day before yesterday. Two ladies in northern New York have been holding a certificate since 1891.

The CHAIRMAN. For 1890 you ask for \$95.10?

Mr. HODGES. In regard to all of those we have statements from marshals showing the persons to whom certain amounts are due amounting to that sum.

The CHAIRMAN. For 1889 you want \$214.05.

Mr. HODGES. They are in the same condition.

The CHAIRMAN. Are they ascertained accounts?

Mr. HODGES. Yes, sir.

PRISONERS, SUPPORT OF.

The CHAIRMAN. For the item of "support of prisoners" you estimated for 1894 for \$450,000 and received \$300,000. Now, you ask an increase over your estimate of \$125,000; how do you account for that?

Mr. HODGES. Well, I think that is accounted for in our letter there submitting the general estimate, the letter submitted by the Attorney-General at the close of the addenda there (referring to Book of Estimates). It is on the same basis as the estimate made for 1895, and the figures are set forth there and show \$575,000 is needed for that year.

Mr. PERRY. I think I have got a copy of the memorandum here.

The CHAIRMAN. How much have you on hand?

Mr. PERRY. Two hundred and ninety dollars and ninety-two cents, and there are no bills for this half year yet paid; that is, since January 1.

The CHAIRMAN. I would like for you to explain why this difference occurs between the expenditures and your estimates?

Mr. PERRY. Maj. Strong asked me to come up here and give what information you might wish in regard to this item of support of prisoners.

The CHAIRMAN. How long will it be before Maj. Strong returns?

Mr. PERRY. He will not be back before a week or two. I said that no bills had been paid since the 1st of January; I will correct that and state that there have been a few items, as for instance the pay roll of the jail here, but for several months they will have to go without salary.

Mr. HODGES. In regard to the support of prisoners for 1892, there was an appropriation of \$375,000 and a deficiency appropriation of \$125,000 and a deficiency appropriation in 1893 of \$61,357.87, making in all for 1892 \$561,357.83.

The CHAIRMAN. Now, how is it that you asked for only \$450,000 for 1894?

Mr. HODGES. I can not tell you how that estimate was made; if it was made it was made without sufficient information.

Mr. PERRY. You remember when we made that estimate it was made in December, 1892, and the fiscal year 1893 we got a deficiency appropriation after that to finish that year. They are all estimates, as we can not tell positively as to the number of prisoners.

Mr. HODGES. The trouble has been in relation to the support of prisoners; that we do not always get information that we ask for from the marshals to give us sufficient data to work upon. Of late there has come in from one district in a State a sum of \$40,000 for support of prisoners last year unaccounted for, and we never knew anything about it.

The CHAIRMAN. What district is that?

Mr. HODGES. The southern district of Ohio. The warden of the penitentiary wanted to know why he was not paid, as he could not get any satisfaction or reply to letters to the marshal about it. When it was examined it was found out that \$40,000 was owing to that penitentiary with no money available.

The CHAIRMAN. For the fiscal year 1893?

Mr. HODGES. Part for the fiscal year 1893 and 1894, and perhaps a part for 1892. They do not pay any attention to our requests, and—

The CHAIRMAN. Let us see how you stand on the year before that. For 1893 you estimated for \$425,000 and you received \$465,000, and now you ask for \$123,114.79 in addition?

Mr. HODGES. That is because we got no information from the marshals. The marshals do not report to us until they are punched by the jailers and wardens to know why they are not paid, and then they do not report sufficiently satisfactorily to the Department to let us know the exact state of facts; and when we do get the report it is too late to be included in the general estimates, as our estimates must be submitted six months before they are acted upon and more too.

The CHAIRMAN. What do you think of the propriety of putting a clause in requiring marshals to make reports to the Department every month?

Mr. HODGES (to Mr. PERRY). What do you require them to do?

Mr. PERRY. They are supposed to send in their reports quarterly, all of the accounts of the penitentiaries.

The CHAIRMAN. Are these estimates for 1893 ascertained accounts?

Mr. HODGES. Yes, sir.

The CHAIRMAN. I mean the \$123,114.79.

Mr. HODGES. Oh, yes, sir. Would you like to have an itemized statement sent to you?

The CHAIRMAN. Not if they are approved.

Mr. HODGES. If I had known you were going outside of what you considered urgent deficiencies I should have brought up all of these to you as easy as can be, because it lies on my table.

The CHAIRMAN. Then you can send me the written data.

Mr. HODGES. All right, sir.

The CHAIRMAN. For 1891 you ask for \$951.57; is that an ascertained account?

Mr. HODGES. The same way.

The CHAIRMAN. For 1890 you asked for \$499.79.

Mr. HODGES. The same way.

The CHAIRMAN. For 1889 you asked for \$79.60.

Mr. HODGES. Yes, sir; that is the same.

The CHAIRMAN. For 1888 you asked for \$114.55.

Mr. HODGES. That is ascertained the same way.

The CHAIRMAN. For 1885 you ask for \$44.

Mr. HODGES. Yes, sir; that is the same.

The CHAIRMAN. How is it that these estimates have not been presented to Congress before this?

Mr. HODGES. Because they have not been presented to the Department. For the last four years we sent out about the first day of December of each year a tabulated statement to be filled up by the marshal for all outstanding expenses for the previous fiscal years that they can ascertain, and whenever they make up the reports we make it up and send it to you. If they do not give us the information we ask for, of course we have no information to give. Afterwards when information is conveyed to them or they run across it in their offices or somebody complains about the matter, it is brought to the attention of the Department.

The CHAIRMAN. In what form do these accounts reach the Department?

Mr. PERRY. They reach the Department through the marshals' hands. Different penitentiaries and jails render accounts to the marshal and he forwards them to the Department. They are approved there and returned to the marshal for payment. When there is no money to pay them the probability is they lie in his office.

The CHAIRMAN. Are not these accounts passed on by someone other than a U. S. marshal?

Mr. PERRY. None except the Department of Justice; then they go to the Treasury on the marshal's account.

The CHAIRMAN. So that it is an account made up between the keepers of the prisons and U. S. marshals?

Mr. PERRY. The keepers make up the accounts on contracts made by the Department of Justice; the marshal has nothing to do with that portion of it.

The CHAIRMAN. What is the average cost of keep of a prisoner?

Mr. PERRY. In the prisons it is about \$180 a year.

About 1,600 United States prisoners in State prisons, about \$180 per year each prisoner, a total of..... \$288,000

Clothing and cash to (about) 1,200 discharged from prisons, at \$20 each, total..... 24,000

Transportation on discharge, 1,200 prisoners at \$20 (the average) each, total..... 24,000

Support of United States prisoners in State prisons..... 336,000

(Appropriation for fiscal year 1894, \$300,000.)

Jail prisoners, about 1,500 in jail all the time, a fair estimate, per annum.. 346,000

Total..... 682,500

(At an average of 60 cents per day each, including clothing, doctors' bills, guard hire in Oklahoma, Ind. T., Washington, D. C., repairs to United States jails, rent of jails in Indian Territory, etc.)

Of course, all of it has to be estimated as we can not ascertain exactly. In one term of court there may be a hundred prisoners in a jail, and the next term there may not be ten.

The CHAIRMAN. It costs you about 60 cents a day a head in the county jails?

Mr. PERRY. That includes clothing furnished the prisoner, doctors' bills, medical bills, and such incidentals as burying a prisoner, and several other items, such as purchasing a truss and lots of little things. Once in a while we get a doctor's bill for a surgical operation amounting to \$200, \$300, or \$400. We have one now of \$250 for an operation in a district jail, but they are very exceptional. We try to make an arrangement with the doctors so as to pay them a salary to treat the prisoners in the different jails, but of course we can give more definite data in connection with

a penitentiary, because the terms of the prisoners there are longer; they stay in for a longer time and we have fixed contracts as to what we pay.

The CHAIRMAN. What is the cost of the maintenance of a prisoner in a State penitentiary—the average cost?

Mr. PERRY. The average cost is about \$180 a year for each prisoner.

Mr. CANNON. That includes transportation and all incidentals?

Mr. PERRY. No, sir; transportation to the prison is paid out of fees for the marshals, and fees for the transportation of the prisoner home after serving out his sentence is paid from support of prisoners.

The CHAIRMAN. And \$180 is intended only to cover maintenance?

Mr. PERRY. Yes, sir.

The CHAIRMAN. Do officials out of this maintenance not only feed and clothe the prisoners but furnish medical attendance and everything?

Mr. PERRY. Yes, sir.

The CHAIRMAN. \$180 per annum is the total cost to the Government per man for the prisoners confined in a State penitentiary?

Mr. PERRY. Yes, sir; from the time he goes in until he gets out.

The CHAIRMAN. How does that compare with penitentiaries belonging to the United States?

Mr. PERRY. We have only one at McNeals Island and one at Salt Lake City. Mr. Hodges can tell you about McNeals Island.

Mr. HODGES. It costs us \$1.30 to \$1.40 a day in the Utah penitentiary.

Mr. CANNON. Where the Government owns the penitentiary?

Mr. HODGES. Yes, sir.

The CHAIRMAN. How is it at the other penitentiary?

Mr. HODGES. At McNeals Island; that is \$1.10.

The CHAIRMAN. How many prisoners do you keep there?

Mr. HODGES. Probably 25 or 30. It is a small penitentiary, and we can not keep all of the United States prisoners in it. It is not large enough.

The CHAIRMAN. How many can you keep in it.

Mr. HODGES. I think it is full now, with 25 or 30. It is a little old house where a man can walk outside and put up a ladder and get in a window and help out a prisoner if he wants to. The wind sometimes blows the roof off.

The CHAIRMAN. There is a great difference in the cost of maintenance of prisoners in the penitentiary and the maintenance of prisoners at Fort Leavenworth, Kans.; it is about double.

Mr. PERRY. That is, it costs more there?

The CHAIRMAN. No, sir; it costs less.

Mr. PERRY. I think if you count all of the salaries paid and all the items of appropriations, it will cost more than 50 cents a day.

Mr. HODGES. When you take \$1.30 or \$1.40, that includes all pay of guards, wardens, etc.

Mr. CANNON. I would like to ask, as a matter of information, to save the trouble of looking it up, how many prisoners have you at Salt Lake?

Mr. HODGES. Now I do not know, but I think about 140.

Mr. CANNON. What is the capacity of that prison?

Mr. HODGES. It has been enlarged of late, but I do not know how many it will contain. Mr. Perry has been there and examined the prison, and he says it will hold 200.

The CHAIRMAN. What is the character of a greater proportion of the offenses?

Mr. HODGES. They are offenses under the Mormon religion, and offenses that have occurred in towns and counties which are taken out from territorial jurisdiction and placed under the United States, such as assault and battery, attempt at rape, and such things as that.

Mr. CANNON. That is in Utah?

Mr. HODGES. Yes, sir.

STATIONERY, DEPARTMENT OF JUSTICE.

The CHAIRMAN. Turn back to the item of stationery, "to pay accounts on file in the Department for stationery set forth in House Executive Document numbered 103," etc. You want \$18; is that an ascertained account?

Mr. HODGES. I never saw that before, but I believe it is. I only judge from what is before me.

The CHAIRMAN. What year is that?

Mr. HODGES. For the fiscal year 1892.

LAW BOOKS, DEPARTMENT OF JUSTICE.

The CHAIRMAN. The next item is for the library. "For law books for library of the Department, \$937.30." How much of the \$1,000 is unexpended?

Mr. HODGES. I will tell you when I go back about that. I have it all on my desk.

The CHAIRMAN. Do you absolutely require this appropriation?

Mr. HODGES. That is the certificate of the librarian that it is absolutely needed, which is set forth in the letter of the Attorney-General.

The CHAIRMAN. You estimated only \$1,500 and now you run \$400 more than the estimate?

Mr. HODGES. I did not estimate for that. That is for the librarian and the chief clerk to say.

(See page 3, Ex. Doc. No. 126.)

Mr. CANNON. For the reports, to say nothing about text-books—for the various State reports there is no provision of law by which you get them except by paying for them?

Mr. HODGES. No, sir; not that I know of.

Mr. CANNON. And I presume that is true as to the Statutes. There are certain books copyrighted that go to the Congressional Library, but there is no similar provision by which books are furnished or exchanged.

Mr. PERRY. We have nothing in the Department to exchange.

The CHAIRMAN. What about the item "for miscellaneous items?"

Mr. HODGES. That is set forth there.

The CHAIRMAN. For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labels, repairs of buildings and care of grounds, etc., you estimate \$4,500. I want a full explanation about that item.

Mr. HODGES. Yes, sir; does not Ex. Doc. 126 give it?

The CHAIRMAN. Why was it not reported to Congress before this?

The CLERK. There are a couple of pages of matter here about it.

Mr. HODGES. Does that refer to telegrams from the Western Union Telegraph Company?

The CLERK. Yes, sir.

Mr. HODGES. Perhaps that explanation is as full as can be given, but my memory of the matter is in telegraphing from the Department to marshals, attorneys, and other officers they neglect to see the bills paid. The telegraph companies do not collect the bills. They think if an officer does not pay a bill they will go to the Department of Justice by and by and get it. All this Marean business is new and was unexpected by the Department, and Mr. Clay, the chief clerk, has been examining and apportioned or rather tried to apportion the accounts in the different years. Then he suggested the appropriations should be made for the year 1893 and prior fiscal years to cover these claims, to be paid on final examination if found to be right and proper.

Mr. PERRY. We could not pay the Western Union for the last two or three years, because they would not accept the deduction,

Mr. CANNON. That was under Mr. Wanamaker's rates?

Mr. PERRY. Yes, sir.

The CHAIRMAN. Is this estimate here based upon accounts that have been presented to and approved by the Department of Justice?

Mr. HODGES. Not approved at all, but they are presented by the Western Union Telegraph Company itemized. I think the telegrams are most all of them copied.

The CHAIRMAN. What I mean to say is, are these accounts approved by the Department or not?

Mr. HODGES. They will be eventually; they will have to be approved, as they can not be paid without it; but they have not been approved; they are awaiting an appropriation.

The CHAIRMAN. You are not prepared to tell the committee whether they are just or unjust?

Mr. HODGES. I am not. That letter tells all there is about it. (See House Ex. Doc. No. 129.)

Mr. CANNON (referring to House Ex. Doc. 129). This seems to refer to Postmaster-General Wanamaker's rates; was that a cut under the previous rates?

Mr. HODGES (to Mr. Perry). Can you answer the question?

Mr. PERRY. That is a reduced rate made which they declined to accept until recently.

Mr. CANNON. Then, this money is asked for with a view of paying these bills under the reduced rate?

Mr. PERRY. Yes, sir; I imagine that is it.

Mr. HODGES. There are certain telegraphic bills that the marshals, attorneys, and clerks fire into the Department of Justice which are not properly payable by the Government out of any appropriation under the control of the Attorney-General, but they are payable out of marshals' fees. They are telegrams about business in relation to their offices. A marshal sends a telegram out to a deputy who is away from the office, say a hundred miles, and says, "You will find the man you are after at an adjoining town." He goes out there and he communicates back and forth by

telegram to get instructions. These bills are not presented to the marshal for settlement, but they are subsequently presented in this form.

The CHAIRMAN. Are U. S. marshals and deputy marshals authorized to contract accounts of that kind?

Mr. HODGES. They are authorized to contract accounts necessary in the execution of processes payable out of the emoluments of the officer.

The CHAIRMAN. But this seems to be desired to be paid by the Government.

Mr. HODGES. I was only telling you how these telegrams sometimes arise. Now, shall I report to the chief clerk that you decline to appropriate until you get an itemized statement as to how much of this account should be paid by the Government?

ALASKA, TRAVELING EXPENSES IN.

The CHAIRMAN. Yes, sir; and let us have it at once. The next item is, "Traveling expenses, Alaska." You ask for a deficiency of \$500. How much of that money remains unexpended?

Mr. HODGES. None of it; it is all gone.

The CHAIRMAN. Is an account rendered to the Department of Justice of his actual expenses?

Mr. HODGES. Yes, sir.

The CHAIRMAN. How many times does he hold court in that Territory during a year?

Mr. HODGES. He goes to Juneau from Sitka, and he goes to Wrangle, and then he went once last year—

The CHAIRMAN. I am speaking of this year.

Mr. HODGES. I mean this fiscal year when I say the last calendar year; he went out to Unalaska, which is only 900 miles away.

The CHAIRMAN. For the purpose of holding court?

Mr. HODGES. For the purpose of looking after prisoners there, held by the U. S. marshal. I do not know that he held court.

The CHAIRMAN. Do you know how much that U. S. commissioner makes?

Mr. PERRY. He gets a salary.

Mr. HODGES. That is in the organic act, \$1,000 a year.

The CHAIRMAN. Does he get fees?

Mr. HODGES. I think he does get fees, such fees as under the Oregon laws are applicable to Alaska.

The CHAIRMAN. The next item is "For rent, incidental expenses, Alaska." You ask a deficiency for 1894 of \$1,376.33. Now, you estimated for \$1,000, and you got \$500, and yet you are asking now for considerably more than you first asked for?

Mr. HODGES. I know it, but these expenses are growing every year beyond our expectations. They want rooms rented for offices, and want stationery furnished to them.

The CHAIRMAN. Do you furnish judges with stationery and rooms?

Mr. HODGES. This is rent and incidentals for commissioners; it refers to United States commissioners.

The CHAIRMAN. Do you furnish rooms for commissioners all over the United States?

Mr. HODGES. Not at all, unless the judge sometimes tells a commissioner to occupy a vacant room in a public building.

The CHAIRMAN. Why do you furnish rooms to them up there?

Mr. HODGES. Read the language of the appropriation, which says: "For rent and to furnish books, etc., for United States marshals, deputies, and commissioners."

The CHAIRMAN. They ought to be put upon the same footing as the others all over the country.

Mr. HODGES. They do not think so, and you must remember it is a pretty hard life up there.

The CHAIRMAN. Is this an ascertained account for 1893?

Mr. HODGES. Yes, sir; all of this is ascertained under the First Comptroller.

The CHAIRMAN. So, instead of the estimate of \$1,000, you want now about \$2,100?

Mr. HODGES. We can not help it. We estimate to the best of our judgment, and when the expenses grow we can not control it when the judges say it is necessary. Men must have their oil in the long winters up there—oil, coal, books, furniture, rent, etc.

PERALTA-REAVIS LAND CLAIM.

The CHAIRMAN. The next item is "Court of Private Land Claims. For fees and expenses in the suits of Peralta-Reavis against the United States in the Court of Private Land Claims in New Mexico, \$10,000." Do you know anything about this matter?

Mr. HODGES. I think that is fully explained in House Ex. Doc. No. 126. That is a large claim of a million acres or more claimed by private parties that the United States is responsible for.

The CHAIRMAN. Was suit brought against the United States?

Mr. HODGES. Yes, sir.

The CHAIRMAN. Directly?

Mr. HODGES. Yes, sir; in the court of private land claims.

The CHAIRMAN. Have not you got an attorney out there representing the Government?

Mr. HODGES. We have got counsel there now. This is for the counsel.

The CHAIRMAN. Is this suit instituted against the United States or against private parties?

Mr. HODGES. It is against the United States.

The CHAIRMAN. I understood from the reading of that document that the United States had conveyed these lands; if that is so, how does the United States become a party?

Mr. HODGES. Then, I have got that wrong if that is so. (Examining document.)

The CHAIRMAN. Under what authority could the Department of Justice authorize the employment of counsel to defend it in any case in which the Government of the United States was not a party?

Mr. HODGES. But the United States is a party in the court of private land claims; we have got claims against the United States in that court.

The CHAIRMAN. This counsel does not represent the Government in all the claims; this is a special case?

Mr. HODGES. Yes, sir.

The CHAIRMAN. Now, is the U. S. Government a party in this special case?

Mr. HODGES. That is my understanding; and if it is not, I will find out.

Mr. CANNON. It is so stated here.

INDIAN TERRITORY, TRAVELING EXPENSES.

The CHAIRMAN. The next item is, "Indian Territory; to pay the actual traveling and other expenses of the judges of the United States courts, etc." How much are those other expenses; will you find out for me?

Mr. HODGES. Yes, sir.

The CHAIRMAN. I would like to know what those other expenses are. I do not think the statute authorizes anything but the payment of traveling expenses.

Mr. HOWRY. That is my understanding.

Mr. HODGES. What would you call actual traveling expenses, simply transportation? Would you call board bill a part of it?

UTAH, EXPENSES OF COURTS IN.

The CHAIRMAN. The next item is, "For expenses of Territorial courts in Utah Territory." How much of the appropriation for 1894 have you on hand?

Mr. HODGES. Well, I do not know, sir, but I think we have got more than \$10,000.

The CHAIRMAN. Then you do not want \$35,000 more? How much do you really want for the remainder of this fiscal year?

Mr. HODGES. I do not know any different from the statement made here in this paper; it is made up honestly with all the facts before us.

The CHAIRMAN. I want to know how much of the \$35,000 remains unexpended.

Mr. HODGES. \$35,000 is what is asked for here.

The CHAIRMAN. But \$35,000 was the appropriation, how much is unexpended?

Mr. HODGES. Well there will not be any left. There will be nearer \$75,000 than \$70,000 when we come to settle up the claims.

The CHAIRMAN. We had better give you \$70,000 and you pay the balance. How about this item for 1892 for \$4,420.53?

Mr. HODGES. They are actually ascertained by the statements presented to the Department.

The CHAIRMAN. I do not understand why you made an estimate of \$45,000, and now you say it is going to cost over \$70,000?

Mr. HODGES. You say the estimates for 1892 is \$45,000; is that so?

The CLERK. That is correct.

Mr. HODGES. That must be a misprint.

The CHAIRMAN. There are no misprints in this bill.

Mr. HODGES. I mean by that it was not estimated at \$45,000. It must have been an error of a copyist who made it \$45,000 instead of \$75,000. It is manifestly a clerical error.

GREER COUNTY, TEX.

The CHAIRMAN. The next item is, "Settling title to Greer County, Texas." When are you going to get through with that?

Mr. HODGES. They say within a few months, provided there is no further delay.

OKLAHOMA DEPUTY MARSHALS.

The CHAIRMAN. The next item is, "Deputy marshals in Oklahoma." What about that?

Mr. HODGES. Well, the claims put in amounted to \$1,542. They were sent by the Attorney-General to the district attorney in Oklahoma with directions to examine and ascertain all the facts as to the service performed and the amounts that ought to be paid.

The CHAIRMAN. You say the Department of Justice has had the accounts of these men investigated so as to reach a conclusion?

Mr. HODGES. Yes, sir; and the reports reduced the amounts \$300 or \$400.

RENT OF COURT ROOMS.

The CHAIRMAN. We have not come to that. The next item is for rent of court rooms. For 1894 you ask for \$42,000 deficiency. You had an estimate of \$80,000 and you received \$50,000. How do you account for the \$12,000 additional?

Mr. HODGES. Our rent accounts usually run up to about \$65,000 to \$75,000. The moving out of the court rooms in Chicago to newly rented rooms increased our rent about \$26,000 a year for two or three coming years. The proportion from the 1st day of March—I think they went into the circuit court of appeals rooms on the 3d of March—until June, added to the larger deficiency, makes the amount we have put down here. We have got one or two small rent accounts that we never had before and I would be glad to make up a list of all of our wants, if you wish.

The CHAIRMAN. Was the removal of the courts out of the Chicago building under instructions from the Department of Justice?

Mr. HODGES. It was by direction of the judges; the judges said they would not hold court in the old building. Their decision in that matter, I think, was signed by all three judges. Judge Grosscup, Judge Woods, Judge Jenkins, and, perhaps, one other. They said they thought the premises were unsafe and they would not venture to hold court in there; I think Judge Grosscup was very decided.

Mr. CANNON. Let me ask, as a matter of information, is there any provision of statute that authorizes this action upon the part of a judge, or is it a matter where they had united action and the moral surroundings were such as you had to yield?

Mr. HODGES. I do not know what induced them to come to that decision.

Mr. CANNON. Have they the power to rent?

Mr. HODGES. No, sir.

Mr. CANNON. Well, have they the power to say, "Here, we will not hold court in the place provided; it is unsafe or insufficient, and now we will go to another place?"

Mr. HODGES. I do not see how you will stop it.

Mr. CANNON. Is there any general law or any provision of the statutes—

Mr. HODGES. Giving them any authority in the matter?

Mr. CANNON. Precisely?

Mr. HODGES. None that I know of. When the courts turned themselves out they were obliged to have some place to hold the terms of court. The claimants, men interested in suits, were clamorous for a hearing of their cases.

Mr. CANNON. When they turned themselves out and found these rooms did the Department of Justice authorize it?

Mr. HODGES. They required the Department of Justice to furnish rooms for holding court.

Mr. CANNON. And the Department of Justice did it?

Mr. HODGES. Yes, sir.

The CHAIRMAN. When was that done?

Mr. HODGES. I think the lease was perfected in the last days of February last, and it was to go into effect upon the occupancy of the premises, and the circuit court of appeals occupied the principal room and they went in, I think, on March 3d and held a term of court.

Mr. CANNON. When you go back I wish you would make inquiry so that you can answer definitely as to whether there is any expressed provision authorizing this lease.

Mr. HODGES. Only as far as my memory and judgment goes, the power is incidental to the appropriation for rent of rooms for U. S. courts that you make

annually. You can not rent rooms unless the Attorney-General authorizes their rental and makes the lease therefor.

Mr. CANNON. Let me ask you, in that connection, what is there unexpended of this appropriation for 1894?

Mr. HODGES. I give it by memory. If I had thought this question would have come up I should have brought them with me, as I had them at hand. I can not say, but I should say from \$15,000 to \$25,000.

Mr. CANNON. Then you had some money when you made this contract?

Mr. HODGES. Yes, sir.

The CHAIRMAN. I wish you would send us those figures as far as you can?

Mr. HODGES. As far as I can remember I will do so. When will you want to get this statement?

The CHAIRMAN. This afternoon or early to-morrow morning.

Mr. HODGES. All right, sir.

The CHAIRMAN. For 1891 you want \$394.77; is that an actual ascertained deficiency?

Mr. HODGES. Yes, sir; that is an actual ascertained deficiency.

The CHAIRMAN. In addition to that you have an item for the rent of court rooms for 1892, \$350. This letter I have here is dated March 22, 1894. Is this embraced within the item or not?

Mr. HODGES. No, sir; that is an addition. This item was made out March 22, and these estimates were made out and sent to you sometime in the middle of October last.

The CHAIRMAN. For rent and other incidental expenses, Territory of Alaska, 1894, \$142.

Mr. HODGES. That comes from the Comptroller.

The CHAIRMAN. We want to know about these incidental expenses.

Mr. HODGES. Yes, sir; all of that comes from the First Comptroller, Ex. Doc. No. 179. There is not an item in there that we have control of.

BAILIFFS AND CRIERS.

The CHAIRMAN. The next item is "Pay of bailiffs." You estimated for \$275,000 and you received \$175,000. Do you wish \$10,000 more? How much money have you on hand?

Mr. HODGES. I do not know, but I will send it to you.

The CHAIRMAN. Let us have a statement of how much you have on hand.

Mr. HODGES. Yes, sir.

The CHAIRMAN. Do you consider \$10,000 absolutely necessary for the rest of the year?

Mr. HODGES. I think we have got enough. You passed a deficiency appropriation.

The CHAIRMAN. We gave you \$25,000.

Mr. HODGES. Yes; and that is enough.

The CHAIRMAN. You do not want this, then?

Mr. HODGES. No, sir.

The CHAIRMAN. The item for 1892 of \$1,019, is that an ascertained account?

Mr. HODGES. Yes, sir.

MISCELLANEOUS EXPENSES, UNITED STATES COURTS.

The CHAIRMAN. The next item is "miscellaneous expenses."

Mr. HODGES. You have appropriated for that.

The CHAIRMAN. And you will not need any more?

Mr. HODGES. Not for 1894; there is an estimate on the top of the next page for 1893 of \$5,034.56.

The CHAIRMAN. Is that an ascertained account?

Mr. HODGES. Yes, sir.

ARIZONA, INDIAN PRISONERS IN.

Hon. Marcus A. Smith, a Delegate from the Territory of Arizona, appeared before the committee in regard to H. Res. 121, "authorizing the proper officers of the Treasury Department to examine and certify claims in favor of certain claims in Arizona."

Mr. SMITH said: The Supreme Court of the United States, in a decision in what is known as the Gan-She-ee case, held that the jurisdiction under the act of the Indian appropriation bill for the year 1883 applied to the trial of an Indian who committed a crime on or in a reservation against an Indian or other person had to be brought in a Territorial court. That immediately threw on the taxpayers of all those Terri-

tories the burden of paying for United States offenses, and the Judiciary Committee passed through the committee and House an amendment to that law, which died in the Senate. On the next appropriation bill I had a clause put in saying that the expense of these trials of the Indians in those Territories should be audited by the proper officers of the Treasury Department and paid by the Government as other Federal criminal trial expenses were paid.

Now, the difficulty which arises at the Treasury Department is this, as the Auditor and the Comptroller both tell me: These counties paid the expenses of the arrests—we have strictly a county government—they paid their sheriffs for the arrests; they paid their jurors; they paid their jailers for keeping the prisoners and all of the expenses. Now, in many of those cases the jailer can not be found, being either dead or gone, and the counties can not prove conclusively that they paid under fee bills of the county for these trials. They can not get an assignment.

The CHAIRMAN. What we understand from you is this, that as the law now stands the accounting officers of the Treasury refuse to audit and allow the expenses which were incurred by the different counties in your Territory in the trial of these Indians?

Mr. SMITH. They do not refuse to pay, but they say they can not pay until they have technical proof of the transfer from the individuals to the county, and these individuals many of them are dead, the sheriffs some of them have gone from the country and it is impossible to get a transfer from the individuals to the county which bore the expense.

The CHAIRMAN. Then the statute authorizes the payment of these expenses where the individual makes—

Mr. SMITH. No, just ordered paid as other expenses.

The CHAIRMAN. Where the individual makes proof himself?

Mr. SMITH. Yes, but the individual has no longer any interest.

The CHAIRMAN. What you are after is to authorize where the county has paid and taken up these claims and accounts that the county shall stand in the place of the individual, shall be subject to the rights of a citizen?

Mr. SMITH. That is the whole purpose of my act exactly. That is, where technical assignments can not be made, that the counties who have paid and make proper proof shall receive that money.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 30, 1894.

SIR: In response to your oral request of yesterday I forward to you the explanations required relative to deficiency appropriations for defraying the expenses of United States courts and the Department of Justice for the fiscal years 1894, 1893, 1892, 1891, and prior years, that have been presented to Congress during the present session.

Wherever there is a variance between the statements of this letter and the off-hand answers given by a clerk of this Department who appeared before you on yesterday, you are assured that the statements of this letter are to prevail, as some of the inquiries made of the clerk called for prompt answers as to specific amounts that could only be given at the time from memory.

FEES AND EXPENSES OF MARSHALS, 1894.

The clerk replied that there was no need of an urgent deficiency under this appropriation, his meaning being that the deficiency is not urgent, while the estimates forwarded heretofore to Congress show that in the judgment of the First Comptroller of the Treasury there will be needed \$350,000 to pay all the accounts incurred during the fiscal year 1894 under this appropriation.

FEES OF JURORS, 1894.

The deficiency needed is \$50,000. There is available \$321.19. (*See "Fees of jurors, 1893, 1890, and 1873," on page 53.*)

FEES OF WITNESSES, 1894.

The estimate made, \$200,000, is so nearly accurate that the Department is unable to say whether on final settlement of accounts there will be a small deficiency or a small excess. It believes that \$200,000 is as near the exact amount needed as ordinary calculation can reach.

FEES OF WITNESSES, 1893.

The estimate submitted, \$15,505.50, was for witnesses in the northern district of California.

FEES OF WITNESSES, 1891.

The amount asked for is \$14.80, which is for expenses incurred in Massachusetts, \$6.50, and in the western district of Virginia \$8.30, to which should be added \$5 for witnesses in the northern district of New York, making the total appropriation needed \$19.80.

Fees of witnesses, 1890..... \$95. 10

Incurred in—

Alabama, southern district.....	18.90
Maine.....	26.50
South Carolina.....	25.70
Virginia, western district.....	24.00

95. 10

Fees of witnesses, 1889..... 214.05

Incurred in—

Virginia, western district.....	105.50
Alabama, middle district.....	108.55

214.05

Support of prisoners, 1894..... 275,000.00

I do not know whether this estimate is a little in excess of what will absolutely be adjusted by the accounting officers of the Treasury, or a little less than the amount absolutely needed. To the best of my judgment this amount ought to be appropriated.

Support of prisoners, 1893..... \$123, 114. 79

Incurred in—

Alabama, northern district.....	500.00
Alaska.....	5, 117. 65
Arkansas, western district.....	2, 561. 56
California, northern district.....	5, 114. 40
Georgia, northern district.....	3, 600. 00
Idaho.....	843. 19
Indiana.....	2, 406. 45
Louisiana, western district.....	36. 50
Massachusetts.....	1, 011. 87
Michigan, eastern district.....	23, 630. 30
Minnesota.....	870. 73
Mississippi, northern district.....	53. 25
Missouri, western district.....	1, 978. 80
Nevada.....	5, 438. 00
New Jersey.....	938. 91
New York, northern district.....	13, 243. 25
New York, eastern district.....	1, 657. 25
North Carolina, eastern district.....	388. 73
Ohio, southern district.....	25, 844. 00
Oregon.....	3, 177. 96
Pennsylvania, eastern district.....	1, 580. 50
South Carolina.....	654. 70
South Dakota.....	8. 00
Tennessee, middle district.....	520. 40
Texas, eastern district.....	9, 904. 58
Texas, western district.....	3, 538. 05
Virginia, western district.....	642. 68
Washington.....	2, 963. 80
West Virginia.....	4, 161. 70
Indian Territory.....	142. 10
Wyoming.....	585. 48

123, 114. 79

Support of prisoners, 1891, incurred in New Jersey	\$950.57
Support of prisoners, 1890	479.79

Incurred in—

New Jersey	289.72
South Carolina	126.00
Virginia, western district	18.47
Indiana	45.60

479.79

Support of prisoners, 1889, incurred in Indiana	75.60
Support of prisoners, 1888, incurred in Virginia, western district	114.55
Support of prisoners, 1885, incurred in Indiana	44.00
Fees of jurors, 1893 (continued from page 51)	15, 155.62

Incurred in—

Alaska	50.00
Arkansas, western district	2, 798.20
California, northern district	1, 262.00
District of Columbia	3, 200.00
New Mexico	4, 932.90
Tennessee, middle district	617.20
Texas, western district	18.00
First Comptroller's estimate	2, 277.32

15, 155.63

Fees of jurors, 1890, incurred in Massachusetts	6.00
Fees of jurors, 1873, incurred in New Mexico	506.50
Rent of court rooms, 1894	42, 000.00

In explanation of this deficiency your attention is directed to Exhibit A, attached to this letter, showing the list of places where rooms or buildings are rented for U. S. court purposes, which amounts in the course of this fiscal year to \$98,932; there being one or two small matters of increase over the past fiscal year, and a large increase in Chicago, Ill. The expense at that place, in accordance with the lease, being at the rate of \$26,110 a year; a pro rata amount of this annual rent for the months of March, April, May, and June, 1894, being \$8,703.33.

In further explanation I submit a copy of an order of the court in this matter, as follows:

"The court, being satisfied that the rooms in the Federal building in Chicago provided for the use of the court are not proper rooms, the building having been declared by the official inspector to be unsafe, and being believed by the court to be unsafe and dangerous, the marshal of the court is directed to communicate this order of the court to the Attorney-General of the United States, and to ask his approval for the leasing of such rooms in the city of Chicago as may be necessary for the use of the court.

"It is further ordered that upon the conclusion of the argument of cases assigned for hearing on the 20th of October instant, the court will adjourn to meet at the city of Milwaukee on the 2d day of November, proximo, and resume the call of the calendar."

The Department also received in relation to this matter letters from Judges Woods, Jenkins, and Grosscup, signifying the intention of the court to no longer hold terms in the Government building at Chicago, in which they called upon the Attorney-General to provide them with rooms outside of the Government building by the exercise of the authority conferred upon him in the appropriation act for rent of court rooms, wherein there is an implied authority to execute lease with parties from whom court rooms are rented for court purposes, there being at the time the lease was approved available of the appropriation for rent of court rooms, 1894, \$15,272.78.

Pay of bailiffs, 1894	\$35, 000
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The last urgent deficiency bill having appropriated \$25,000, \$10,000 more is required.

Pay of bailiffs, 1892, incurred in Utah	\$1, 019
Miscellaneous expenses, 1894	60, 000

The last urgent deficiency bill having appropriated \$50,000, \$10,000 more will be required.

Miscellaneous expenses, 1893	\$5, 034.52
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Of this amount the Comptroller's estimate is \$3,450.62, expenses already incurred, as shown by accounts in his office, the remainder being \$396.35 incurred in Alaska, \$335.75 incurred in Massachusetts, and \$851.80 incurred in the northern district of New York.

Department of Justice, stationery..... \$18.00

In explanation of this see Exhibit B, hereto attached.

Department of Justice, miscellaneous items \$191.54

For items making up this amount see also Exhibit B, on file hereto attached.

Department of Justice, library \$489.10
(See Exhibit C, on file.)

Department of Justice, miscellaneous expenditures, 1893 \$4,500

The miscellaneous expenditures includes accounts for telegrams presented by the manager of the Western Union Telegraph Company, Mr. Marean. The estimate submitted was believed to be, at the time it was forwarded to Congress, the proper way to obtain money for the payment of these accounts.

The schedule of accounts is on file in the Department, together with copies of the telegrams—the basis of the account. What portions of these accounts should be paid and are absolutely accurate and approved by the attorney can not at present be stated. It would take a clerk a long time to analyze and determine exactly the amount, there being in the neighborhood of 5,000 telegrams. What proportion of these expenses are properly payable by the Government and what proportion of them are payable by officers of the Government out of their emoluments can only be ascertained by an investigation, as suggested. If Congress declines to make an appropriation in the line of the application made the Department must tell the Western Union Telegraph Company to seek for a remedy in the courts.

Traveling expenses, Territory of Alaska, 1894..... \$500

One hundred and forty-two dollars of this amount are included in accounts adjusted in the First Comptroller's Office. The remainder, \$358, is an estimate of probable expenses for the balance of this fiscal year.

RENT AND INCIDENTAL EXPENSES.

Territory of Alaska, 1894..... \$1,376.33

This amount is made up of \$376.33, adjusted accounts in the office of the First Comptroller, and an estimated deficiency of \$1,000, the estimate being made by the First Comptroller of the Treasury.

RENT AND INCIDENTAL EXPENSES.

Territory of Alaska, 1893..... \$521.52

This amount was certified to the Department by the First Comptroller on January 30, 1894.

Court of Private Land Claims..... \$10,000

The appropriation of \$10,000 asked for is for fees and expenses in the suit recorded in the Court of Private Land Claims, as follows:

JAMES A. PERALTAREAVIS AND WIFE	} No. 110.
THE UNITED STATES, DEFENDANT.	

This suit is for confirmation of 12,500,000 acres of land in Arizona and New Mexico, known as the Peralta grant.

The estimate originally submitted, \$10,000, to pay the fees of the attorney employed and the expenses incurred, was explained in Ex. Doc. No. 126.

The importance of this appropriation is significant at this time, as the evidence submitted by counsel employed shows that the claim is probably fraudulent and the result of a conspiracy of individuals who have employed men conversant with the laws of Spain and New Mexico that bear upon Spanish grants, and who are ingenious in concocting schemes for public plunder. I should sincerely regret that the efforts that the Department has made to expose the iniquity of the plans mentioned should result in failure consequent upon the want of funds. (See Exhibit D.)

Indian Territory: "To pay the actual traveling and other expenses, 1893".. \$261.98

This is to cover expenses incurred by the judge of the United States court, under act of May 2, 1890, section 30, eighth paragraph, which directs that the judge "shall

be paid his actual traveling expenses and subsistence while attending a holding of the court at places other than Muscogee." The language under this appropriation quoted as "To pay the actual traveling and other expenses," may be changed to the following words: "To pay actual traveling and subsistence."

Expenses Territorial courts, Utah, 1894 \$35,000

In the month of November, 1893, there were 188 inmates of the Utah penitentiary. The cost for the month was \$3,507.62. The expense for each inmate per day was 62 cents. In the Washington penitentiary, in February, 1894, there were 94 prisoners. The cost for the month was \$1,138.07; the expense per day for each inmate being 46½ cents. There is available for the expenses of Territorial courts of Utah \$611.46.

The marshal for the Territory, after this estimate was submitted to Congress, urged that this appropriation should be \$35,000 deficiency for 1894, and no less. This was the calculation of the Department. It is supported by the judgment of the marshal and is necessary.

Expenses Territorial courts of Utah, 1892 \$4,420.53

The Comptroller has vouchers for \$422.75; the estimate of accounts presented to the Department by the marshal is for the remainder, viz, \$3,997.78.

I inclose herewith a statement of the condition of the appropriations at the close of business March 29, 1894. (See Exhibit E.)

The appropriations considered in this letter are those reviewed by you yesterday in a sitting of your committee. This letter does not refer to appropriations other than those spoken of in yesterday's interview.

Very respectfully,

RICHARD OLNEY,
Attorney-General.

HON. JOSEPH D. SAYERS,
Chairman Committee on Appropriations, House of Representatives.

EXHIBIT A.

List of places where rooms or buildings are rented for United States court purposes, February, 1894.

	Per annum.
Arizona:	
Tucson	\$1,000
Tucson (Supreme Court)	600
Phoenix	700
Prescott	700
Florence	800
Colorado:	
Del Norte	300
Pueblo	200
Denver	360
Florida (N. Dak.):	
Jacksonville	2,000
Tampa	50
Tallahassee	72
Georgia:	
Columbus	100
Columbus	720
Indian Territory:	
Muscogee	3,750
Ardmore	2,500
Idaho:	
Boise City	1,800
Blackfoot	50
Moscow	1,500
Illinois, Chicago	26,110
Iowa:	
Cedar Rapids	2,800
Sioux City	3,000
Minnesota:	
Fergus Falls	100
Mankato	100
Duluth	100

	Per annum.
Montana:	
Butte	\$2, 220
Helena	1, 570
New Mexico:	
Las Cruces	250
Socorro	150
New Hampshire:	
Littleton	200
Littleton	250
North Carolina:	
Newbern	150
Newbern	100
North Dakota:	
Devils Lake	1, 000
Bismarck	2, 400
Fargo	2, 400
Grand Forks	2, 400
Nebraska:	
Norfolk	300
Oklahoma Territory:	
El Reno	600
Kingfisher	600
Guthrie	1, 280
Guthrie	360
Stillwater	200
Norman	200
Oklahoma City	600
Pennsylvania:	
Scranton	200
Scranton	100
Texas:	
Paris	1, 200
Paris	100
Graham	800
Utah:	
Salt Lake City	5, 000
Beaver	900
Ogden	2, 900
Provo City	2, 000
Washington:	
Tacoma	1, 920
Walla Walla	400
Seattle	2, 160
Spokane	2, 280
Wyoming:	
Cheyenne	2, 400
South Dakota:	
Pierre	1, 500
Sioux Falls	3, 500
Deadwood	3, 850
Aberdeen	100
Total	99, 732, 00

EXHIBIT D.

UNITED STATES OF AMERICA, ss:

In the Court of Private Land Claims, Santa Fe district, 1894.

FELIPE PERALTA ET AL., PLAINTIFFS,	} No. 55. Cevilleta grant.
vs.	
THE UNITED STATES, DEFENDANT.	REPORT.

To the ATTORNEY-GENERAL, Washington, D. C.:

SIR: Under the provisions of section nine (9) of the act creating the Court of Private Land Claims, I have the honor to submit the following report in the case of Felipe Peralta and others against the United States, No. 55, for the confirmation of what is commonly known and called the town of La Joya, or Cevilleta grant, situ-

ated in the county of Socorro, in the Territory of New Mexico, containing a little over 200,000 acres of land.

It is alleged that on the 25th of May, 1819, upon the petition of one Carlos Gabaldon, representing himself and a large number of settlers in the town of La Joya, which had theretofore been quite a settlement, and were known as the residents and inhabitants of the place of Nuestra Señora de los Dolores de Cevilleta, petitioned for a grant of a large tract of land, which petition was delivered to the local alcalde by the petitioner. On the 26th day of said month petition was transmitted by said alcalde to the governor of the province, and on May 29, 1819, Governor Melgares made the grant and directed the alcalde to place the parties in possession, designate their boundaries, and return the documents, when completed, to him for record and preservation. In pursuance of said order on the 4th day of June, 1819, the said alcalde placed the inhabitants of said locality, sixty-seven (67) in number, in possession of said property and defined the boundaries thereof and returned the same to said governor, and said title papers were filed among the archives and were turned over to the United States as part of the records relating to land grants in New Mexico, and is known as Archive No. 214, in the custody of the surveyor-general of the Territory.

A careful examination of this claim, because of its extent, developed the fact that it had been properly recorded, had been repeatedly recognized by the Mexican authorities, and the possession thereof from the time of the grant down to the present time clearly shown—in fact, it is what is commonly known as a community grant, and from an original settlement of sixty-seven (67) heads of families there are now upon the grant over two thousand (2,000) people claiming thereunder by inheritance and purchase, and there are several little towns or placitas located thereon. Testimony as to the occupation and possession under this grant is clear and complete. I have no doubt as to the genuineness of the grant and the *boni fides* of the claimants. The Government was unable to find any special defenses, and the parties were put to their general issue, resulting in the confirmation of said claim, which I believe to be correct. This claim was presented to the surveyor-general of New Mexico, under the provisions of the act of July 22, 1854, and recommended by him to Congress as a valid grant. I therefore recommend no appeal in said case be prosecuted, and that, under the provision of section ten (10), I be authorized to instruct the clerk of the court to certify the decree to the Commissioner of the General Land Office.

I have the honor to be, your obedient servant,

MATT. G. REYNOLDS,
U. S. Attorney.

FEBRUARY 7, 1894.

The foregoing report is hereby approved.

Chief Justice.

MONDAY, April 2, 1894.

STATE DEPARTMENT.

CHARGÉS D'AFFAIRES, SALARIES OF.

STATEMENT OF MR. W. P. ARMSTRONG, FIRST COMPTROLLER'S OFFICE, TREASURY DEPARTMENT.

The CHAIRMAN. Have you got the statement we asked for in regard to charges d'affaires?

Mr. ARMSTRONG. Yes, sir; of all the accounts that have been settled with charges d'affaires and the salaries that have been allowed to them in the First Comptroller's office.

The CHAIRMAN. Have you got also a statement in regard to contingent expenses United States consulates?

Mr. ARMSTRONG. No, sir; Mr. Kieckhoefer, I understood, was to have that prepared, and I understand they are working on that now. You requested also the names of these chargés and the period of time, etc., for which they were asking a deficiency, and I have that also.

The CHAIRMAN. Did you ascertain anything in regard to the law respecting these allowances?

Mr. ARMSTRONG. Yes, sir; there were two questions which I understood you to ask the next time I came up I should answer, and the first was: "By what authority does the First Comptroller examine accounts when there is no appropriation available

out of which they can be paid," and I find that that was conferred by the act of July 7, 1884 (23 Stat., p. 254).

The CHAIRMAN. Now, that is the statute upon which these allowances are made?

Mr. ARMSTRONG. Well, yes, sir; the accounts are adjusted and a statement prepared of the deficiencies by the direction of the Secretary of the Treasury and transmitted to the Speaker.

Mr. HENDERSON. Is that where the officers are acting, where there is a vacancy, or where they are going back and forth?

Mr. ARMSTRONG. This is only, I understand, in the case of parties in the service who have claims against the Government, which authorizes these accounts to be examined and the amounts due ascertained and transmitted. The other question, as I understood it, you wanted answered was: "Why are accounts adjusted with *chargés d'affaires ad interim* when there is no law constituting such officers, although there is an appropriation to pay them?" The law for that is section 1685 of the Revised Statutes, which provides that a secretary of legation may act as *chargé d'affaires ad interim* and shall receive the same compensation as *chargés d'affaires* would by law be entitled to receive. The act of March 3, 1875, contains the substitute for section 1675 of the Revised Statutes (*see Supplement of Revised Statutes*, p. 93) that provides the amount of compensation that can be allowed to *chargé d'affaires*. Having thus seen what compensation can be allowed a *chargé d'affaires*, we thereby see that the compensation of a *chargé d'affaires ad interim* is fixed and made certain. (*See sections 1675 and 1685, Revised Statutes; also Supplement Revised Statutes*, pp. 14, 55, 93, 379, and 478; 9 Atty. Gen., 425.)

The CHAIRMAN. This is about all the information you can give respecting this matter?

Mr. ARMSTRONG. I believe that is all you requested the last time I was here. If there is anything else I can give, I will be glad to do so.

The CHAIRMAN. That will be sufficient.

Salary accounts of chargés d'affaires ad interim for the fiscal year ended June 30, 1893, which have been adjusted, balances certified thereon, and transmitted to the Register of the Treasury by the First Comptroller.

Report.	Name.	Place.	Period.	Amount.
160085	H. R. Whitehouse	Italy	July 9 to Aug. 8 and Aug. 18 to Dec. 14, 1892.	\$2,445.64
162488	C. F. Markell	Brazil	Feb. 3 to Mar. 20, 1893	766.67
159362	H. R. Newberry	Turkey	September quarter, 1892	1,250.00
159731	Geo. W. Fishback	Argentine Republic	July 29 to Sept. 30, 1892	898.56
159733	John J. Chew	Austria	July 5 to Sept. 2, 1892	978.26
161822	Edwin Dun	Japan	Feb. 5 to Mar. 2, 1893	433.33
160452	Francis MacNutt	Spain	July 1 to Oct. 5 and Nov. 6 to Dec. 26, 1892.	2,413.04
161291	Henry Vignaud	France	Sept. 16 to Oct. 2, 1892	404.20
161452	R. M. Bartleman	Venezuela	Jan. 1 to Mar. 4, 1893	656.25
160365	do	do	Dec. 15 to 31, 1892	173.23
160337	C. A. Daugherty	Mexico	Oct. 9 to Dec. 4, 1892	1,355.30
160325	G. W. Wurtz	Russia	July 1 to Nov. 7, 1892	3,091.03
160322	Henry White	Great Britain	Oct. 6, 1892, to Jan. 4, 1893.	2,165.83
162855	Henry Vignaud	France	Jan. 31 to Feb. 15, 1893	388.89
162862	J. R. Herod	Korea	June 6 to 30, 1893	257.55
162918	Chapman Coleman	Germany	Jan. 9 to Mar. 21, 1893	1,750.00
162953	G. W. Fishback	Argentine Republic	Oct. 1 to Dec. 22, 1892.	1,127.71
162745	Henry White	Great Britain	Mar. 31 to Apr. 4 and May 5 to June 10, 1893.	1,009.88
Total				21,536.37

NOTE.—Drafts paid by the London bankers, charged in said accounts, amounting to \$2,264.60.

Deficiency list for "Salaries chargés d'affaires ad interim 1893," the amount for which was reported to Congress by the Secretary of the Treasury on February 6, 1894. (Ex. Doc. No. 103.)

Report.	Name.	Place.	Period.	Amount.
159854	J. Coughlin	Bogota	Sept. 22 to 27, 1892; Oct. 17, 1892, to Feb. 12, 1893.	\$1,429.88
160114	H. N. Allen	Korea	July 1 to Aug. 31, 1892.	631.80
162480	F. R. McCreery	Chile	Aug. 31, 1892, to Jan. 19, 1893	935.09
163467	H. R. Newberry	Turkey	Oct. 1, 1892, to Jan. 11, 1893; May 1 to June 13, 1893.	469.47
163580	Brown, Shipley & Co.	London	July 1 to Sept. 30, 1893.	5,387.72
Total				8,853.96

DEPARTMENT OF STATE,
Washington, April 3, 1894.

SIR: In reply to one of the recent inquiries of your committee, I have the honor to inclose herewith a memorandum showing what authority exists for the compensation of *chargés d'affaires ad interim*.

The Fifth Auditor's Office is preparing, with all possible speed, the detailed statement of contingent expenses desired by your committee, and it is expected that the work, which is very tedious, will be completed this week.

In this connection I have the honor to invite your attention to the report of the Fifth Auditor for the fiscal year 1893. It appears therefrom that, although the appropriations for the consular service for that fiscal year are charged with \$1,105,103.16, the service cost the Government only \$96,042.90; over \$1,000,000 having been reimbursed to the Government in fees collected. Moreover, this cost of \$96,042.90 includes \$37,230.60 of the amount now being asked to supply deficiencies in the appropriation for contingent expenses of consulates. From this it seems to me that the consular service is comparatively by far the least expensive and most economical service under the Government.

I have the honor to be, sir, your obedient servant,

EDWIN F. UHL,
Acting Secretary.

Hon. J. D. SAYERS,
Chairman Sub-Committee on Deficiency Appropriations,
House of Representatives.

Memorandum.

CHARGÉ D'AFFAIRES AD INTERIM.

For such time as any secretary of legation shall be lawfully authorized to act as *chargé d'affaires ad interim* at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a *chargé d'affaires* at such post; but he shall not be entitled to receive for such time the compensation allowed for his services as secretary of legation. (Revised Statutes of the United States, chapter 1, sec. 1685, p. 295.)

A secretary of legation is lawfully authorized to act as *chargé d'affaires ad interim* whenever he assumes the duties of that office in a manner warranted by public law, diplomatic usage, and the general instructions given him by the Department of State. (9 Opinions, Attorney-General, 425.)

Section 1685, Revised Statutes, recognizes the custom under which secretaries of legation act temporarily as *chargés* at their own posts, and provides for their compensation while so acting "at the rate allowed by law for a *chargé d'affaires* at such post;" meantime they are forbidden to receive the compensation allowed for their services as secretaries.

To meet the cases of these *chargés d'affaires ad interim* a lump sum of money is annually appropriated, out of which persons acting as *chargés* are paid according to the place and the length of time they act.

Section 1675, Revised Statutes, provides that *chargé d'affaires* shall be entitled to compensation at the rate of 50 per cent of the salary of the ambassador or minister.

It was held in *Savage's case* (1 Ct. Cls., 170) that a *chargé d'affaires* in a foreign country, acting and treated as such by the United States during the minister's absence, may recover the value of his services, although he had received no specific appointment.

PUBLIC BUILDINGS.

STATEMENT OF MR. JEREMIAH O'ROURKE, SUPERVISING ARCHITECT, TREASURY DEPARTMENT.

The CHAIRMAN. You ask for a deficiency of \$91.49 for the post-office at Beatrice, Nebr. The limit was \$60,000 and the appropriation was \$65,000, and now you ask for a deficiency of \$91.49. How does that arise?

Mr. O'ROURKE. I can not find that here at all [examining papers].

The CHAIRMAN. Well, we will go to the next and you can furnish the information when you return to your office. The next is "For court-house and post-office at Birmingham, Ala.: For elevator and improvement of approaches, \$20,000." The

limit was \$300,000 and the appropriations have been \$335,000, and now you ask for \$20,000 additional. Why is it that you ask for this deficiency?

Mr. O'ROURKE. There was an additional story interpolated; the piers had to be rebuilt, and tower and clock were added by request of Representatives and citizens. That is the only explanation I can give of that.

The CHAIRMAN. Do you add at the request of citizens and members of Congress to buildings so as to increase the appropriations beyond the limit?

Mr. O'ROURKE. No, sir; that is not supposed to be done. All of these except Lewiston—

The CHAIRMAN. But I am speaking about Birmingham, Ala.; we are taking each one up in their order.

Mr. O'ROURKE. This is the bequest of the previous administration to me, and it is sometimes done for apparently just reasons.

The CHAIRMAN. You estimate here, "For elevator and improvement of approaches," and I understand you now want to build a tower and a clock under the appropriation?

Mr. O'ROURKE. No, sir; the way in which that is done is this: When an appropriation is made for a building and experience and subsequent events prove that the building is not sufficient for the wants of the town, the appropriation instead of being diverted is rather applied to some other things in the building than what the original act contemplated. In this case it was eventually applied, instead of confining it to a two-story building, to putting on a third story.

The CHAIRMAN. But \$35,000 was added for that story?

Mr. CANNON. Was that added by the act or simply an appropriation?

The CLERK. By an appropriation.

Mr. CANNON. In the last Congress?

The CLERK. No; prior to that by the Fifty-first Congress at its last session.

Mr. O'ROURKE. This was a peculiar case I remember. There was a good deal of defective work in this building at Birmingham, Ala., and we had a good deal of expense in taking down the piers and in underpinning the superstructure to hold it up while these piers were being repaired, and that seems to have absorbed a good deal of that \$35,000 appropriation.

The CHAIRMAN. In the first place the contractor had to give bond, and in the second place you reserved 10 per cent of the earnings until the completion of the building. There should have been no loss to the Government if the bond was good and the reservation of 10 per cent was made?

Mr. O'ROURKE. That is true, Mr. Chairman. Then there is an item in here of the Buena Vista Plumbing Company, contractors for plumbing, who failed to do the work and the Government had to do the work; then there is an item of granolithic pavement, in lieu of brick, required by city ordinance; then there is the elevator required.

The CHAIRMAN. Give us an itemized statement of the expenditures to be incurred under that deficiency appropriation of \$20,000?

Mr. O'ROURKE. I have not a detail of the item here.

The CHAIRMAN. I told your representative I wanted a detailed statement upon which each of these estimates were based?

Mr. O'ROURKE (examining papers). I guess this will give it. To be expended as follows: Additional plumbing and marble work necessary to put the building in proper sanitary condition, \$6,500; improvement and completion of the approaches, including iron fence, \$4,500; elevator (basement and three stories), \$6,000; fitting up room in basement for collector of internal revenue, \$750; concrete portion of floor of basement omitted from work, and cementing walls of boiler pit, \$500; superintendence, \$1,750, making a total of \$20,000.

The CHAIRMAN. Whose estimates are those, yours or the estimates of your predecessor?

Mr. O'ROURKE. They are the estimates of my predecessor, and were revised in my office.

The CHAIRMAN. Has not that building an elevator?

Mr. O'ROURKE. It is to have an elevator, but I do not think an elevator is in yet. No, sir; the elevator is to be put in yet.

The CHAIRMAN. Is it the policy of the Government not to put fences around these public buildings?

Mr. O'ROURKE. In most cases where the grounds are on a general level we do not put fences, but sometimes the ground is in that peculiar position that a fence seems to be necessary. For instance, where it abuts up against some other person's ground or where the ground is of such a character a fence is necessary in order to protect it from the street; for instance, where a grade runs up suddenly or down suddenly.

The CHAIRMAN. Has all of that \$335,000 been expended?

Mr. O'ROURKE. Yes, sir; all except \$184.19. We are not in favor of putting fences

up except where the grade of the ground with relation to the neighboring property makes a fence necessary.

The CHAIRMAN. Is that building entirely completed now?

Mr. O'ROURKE. Yes, sir; that building is occupied; at least that is my impression.

Mr. HENDERSON. It seems to me that you have some items in your detailed statement that you could not cover under the general head of "elevator and improvement of approaches?"

Mr. O'ROURKE. I have an elevator, \$6,000, and improvement and completion of the approaches, including iron fence, \$4,500; that is a separate item, and fitting up room in basement for the collector of internal revenue. It seems he wants this special room—

Mr. HENDERSON. Well, that could not come in under this heading; there are only two things mentioned here, "elevator and improvement of approaches."

I understand there are a good many items for deficiencies; now can not you under the general appropriation for heating, hoisting, and ventilating apparatus provide for all these elevators without having a special appropriation?

Mr. O'ROURKE. No, sir; the appropriations that I have in my office consist of repairs and preservation of public buildings, heating apparatus for public buildings—that includes elevators—vaults, safes, and locks for public buildings, plans and photographs, etc., that is a small appropriation of \$2,500, but the other three are special appropriations at the command of my office, and for each one of them I have specific things mentioned in the act and can not charge anything else.

Mr. HENDERSON. It seems to me the Committee on Public Buildings and Grounds ought to draw up the act so as to make it comprehensive. When the bill was drawn it ought to have included elevators, etc.

The CHAIRMAN. That is the plain intention. The next item is "For post-office at Bridgeport, Conn.: For payment of outstanding contract liabilities, \$219.03."

Mr. O'ROURKE. That is a balance over from the last administration.

The CHAIRMAN. Will \$219.03 complete the building and be all that is necessary?

Mr. O'ROURKE. Yes, sir; that will close it up.

The CHAIRMAN. The next item is "For post-office at Canton, Ohio: For completion of building, \$6,000." The limit was \$100,000 and the appropriation was \$100,000.

Mr. O'ROURKE. The heating apparatus caused a deficit of about \$3,000, a portion of interior finish was omitted in basement and second story plumbing, vault doors, etc. That Canton, Ohio, building has a peculiar history. When the building was partly up some company with a patent arrangement for heating and ventilation, etc., brought some influence to bear and got a contract, which was not contemplated in the original specification, and it was a much more expensive heating apparatus, and it involved an extra expenditure of \$3,000, and that brought about this deficiency. Then a portion of the interior finish was omitted in basement and second story; plumbing, vault doors, etc., require the other \$3,000 in order to finish the building.

The CHAIRMAN. Have you a statement about that?

Mr. O'ROURKE. No, sir; there is no detailed statement of that.

The CHAIRMAN. We must have a detailed statement for everything.

Mr. HENDERSON. Let me ask one question about all of these buildings. Do the estimates ever go above the appropriation?

Mr. O'ROURKE. Sometimes the estimates run above, and then we remodel the plans and reduce the cost to get estimates. We never give a contract when the estimate overruns the appropriation.

Mr. HENDERSON. Do you ever have a balance left from an appropriation after finishing a building?

The CHAIRMAN. Oh, yes; I think in Baltimore we had a considerable balance.

Mr. O'ROURKE. Well, the rule is the appropriation is generally used up.

The CHAIRMAN. The next item, "For appraisers' stores at Chicago, Ill." The limit was \$405,000 and the appropriation was \$405,000. Will this deficiency asked for of \$189.79 complete the entire work?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. "Custom-house, post-office, and court-house at El Paso, Tex. For elevator \$7,000." Now you ask for an elevator at El Paso at \$7,000, and you ask for one at Galveston at \$4,000? Why the difference?

Mr. O'ROURKE. One has a place provided for it in the building and there is no place provided in the other, so we will have to inclose it in a wrought-iron cage. The original design was changed. The bids exceeded office estimate. Drawings were changed but bids again exceeded office estimate. Basement was changed to suit new superstructure and that caused an expenditure of about \$7,000, amount wanted for elevator; building three stories high.

The CHAIRMAN. Is that building completed?

Mr. O'ROURKE. Yes, sir; that building is completed.

The CHAIRMAN. How long has it been completed?

Mr. O'ROURKE. Not a very long time, but they make great complaints about having to go up stairs three stories high. I think Mr. —, I can't think of the name, one of the gentlemen from Texas, was in the other day—he holds court there—and he says it is an outrage to have them climb up those stairs.

Mr. HENDERSON. Are many of these public buildings four stories high?

Mr. O'ROURKE. No, sir; very few of them.

The CHAIRMAN. "For custom-house at Galveston, Tex.: For elevator, \$4,000?"

Mr. O'ROURKE. That requires a balance of \$4,000.

The CHAIRMAN. I understand you do not want this appropriation?

Mr. O'ROURKE. Yes, sir; I think so.

The CHAIRMAN. Why, a Representative told me that you had agreed to put up that elevator—

Mr. O'ROURKE. At Galveston?

The CHAIRMAN. Yes, sir.

Mr. O'ROURKE. We have a balance available of \$1,371.56, but I want the other \$4,000 to put it in.

The CHAIRMAN. I thought you stated to him that out of the fund you had you would construct that elevator?

Mr. O'ROURKE. Oh, take it out of this general appropriation? Who was the Representative?

The CHAIRMAN. Mr. Gresham.

Mr. O'ROURKE. I have had so many calls on that appropriation now—

Mr. HENDERSON. What is that general appropriation?

The CHAIRMAN. It is for heating and hoisting apparatus.

Mr. HENDERSON. That is a general fund they can take and put where they please?

Mr. O'ROURKE. It can be used for all public buildings, both finished and unfinished, but it must be distributed equitably between all of the buildings in the United States, some three hundred of them. Now, there is another one at Forth Worth—

The CHAIRMAN. Now, state positively whether you have any understanding about this or not; I want to know?

Mr. O'ROURKE. I do not remember it, sir. But, now, suppose I am mistaken about this, can I refer to it and draw back that deficiency?

The CHAIRMAN. Certainly. The next item is, "For post-office at Hoboken, N. J." You want an appropriation of \$472.27?

Mr. O'ROURKE. That is a small amount that is due to the contractor after the building was finished; it was a little beyond the appropriation, and, rather than to leave it unfinished, we told him to go on and do the work and take the risk of getting his money.

The CHAIRMAN. Will that complete the building?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. "For court-house and post-office at Helena, Ark.: For approaches and completion of building, \$10,000." Have you the items on that?

Mr. O'ROURKE. Yes, sir. The city intended to raise the grade. Building was raised to suit the same. The grade was not changed. The lot has now to be filled, terraced, and graded. New sidewalks required. That is to be expended as follows: Vitrified brick driveway, \$1,000; granolithic sidewalks around the entire site, \$3,500; street curb and guttering, \$1,500; lot coping and iron fence, \$3,000. There is where a fence is a necessity. Taking up the old wooden fence and plank sidewalks, \$150; contingencies, etc., \$850, making a total of \$10,000.

The CHAIRMAN. Is this building completed?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. "For post-office at Lewiston, Me.: For completion of building, \$9,500." You had a limit of \$75,000 and the appropriations were \$75,000?

Mr. O'ROURKE. And we have a balance of \$161.89.

The CHAIRMAN. Is that building completed?

Mr. O'ROURKE. The building is not completed, but it is very near it.

The CHAIRMAN. How did this deficiency arise?

Mr. O'ROURKE. The building was estimated to be faced with brick, but upon the urgent request of Congressman Dingley, and upon his assurance that appropriation would be obtained, granite facing was substituted.

The CHAIRMAN. And it was substituted?

Mr. O'ROURKE. It was substituted, yes, sir; and the only apology for that is that the granite facing improves the building so much.

The CHAIRMAN. Did you make the change or did your predecessor?

Mr. O'ROURKE. I think that was made under my administration. Those are the two items made under my administration.

The CHAIRMAN. Do you refer to the one at Helena, Ark.?

Mr. O'ROURKE. No, at Martinsburg, W. Va., and Lewiston, Me.

The CHAIRMAN. We will get to Martinsburg. There is \$15,000 deficiency estimated there; now I want you to explain that.

Mr. O'ROURKE. Contract for superstructure and interior fittings was awarded, although it was known it exceeded the office estimate and it would result in a deficit.

The CHAIRMAN. Did you do that; did you authorize that?

Mr. O'ROURKE. Yes, sir; I did that, but that is not so far gone that it can not be remedied.

The CHAIRMAN. Let me see your bill of particulars of Martinsburg, W. Va. [examining papers]. What do you mean by the word "white-oak betterments?"

Mr. O'ROURKE. It was to be finished in pine. This is proved we get the deficiency; if it is not given, we will carry it through on the original intention. This building is not finished.

The CHAIRMAN. How many stories is that high?

Mr. O'ROURKE. It is two stories, I think.

The CHAIRMAN. And you want an elevator for a two-story building?

Mr. O'ROURKE. No, I think that is a three-story building.

The CHAIRMAN. I wish you would let us know whether it is a three-story building or not.

Mr. O'ROURKE. Yes, sir.

Mr. CANNON. Now, as to that building. If this appropriation is given it will be that much better, \$15,000, but if it is not given it is perfectly practical to complete it?

Mr. O'ROURKE. Yes, sir.

Mr. CANNON. In other words, there has been no expenditure. Now, in the Lewiston, Me., building, have you put on that granite facing?

Mr. O'ROURKE. Yes, sir; that I can not go back on, but in this Martinsburg matter I can.

Mr. HENDERSON. Is this \$15,000 a wise expenditure to make?

Mr. O'ROURKE. There is no question about the wisdom of the expenditure.

Mr. CANNON. Now, I am asking more for information than anything else, but I have a general recollection there was a clause put somewhere in the Forty-seventh, Forty-eighth, Forty-ninth, or Fiftieth Congress a provision of law that no plan shall be made or expenditure or contract, except within the limits of the appropriation, and that includes site and everything else. Am I correct about that Mr. Courts?

The CLERK. The provision is found in the sundry civil act for the fiscal year 1890, as follows:

"And hereafter no plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been finally selected; and he shall not authorize or approve any plan for such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such buildings, excluding cost of site."

The CHAIRMAN. That requires all of the elevators, approaches, and everything of that kind to be constructed within the limit prescribed by the statute. Well, now, proceed to the next item, "for custom-house and post-office at Port Townsend, Wash., for approaches, elevators, and completion of building, \$15,000." The limit was \$70,000 and the appropriations have been \$240,000, and now you want \$15,000 more?

Mr. O'ROURKE. The basement and area walls of the original design had been built, the limit of cost was extended, and a new design made. Walls of the original basement had to be taken down. The building is on a high hill and the approaches are very expensive. Contracts were let during the high market when there was little competition. You must remember that this is away out on the Pacific coast.

The CHAIRMAN. Yes, but you have a \$70,000 building and you have had appropriations amounting to \$240,000. Do not you think out of that you ought to have met this?

Mr. O'ROURKE. Well, if I had been the Supervising Architect at that time—

The CHAIRMAN. Is that building completed?

Mr. O'ROURKE. That is practically completed. I do not know that it is quite occupied yet.

The CHAIRMAN. For custom-house at Pittsburg, Pa.: "For payment of expenses incurred in the sale of the old custom-house property, \$1,372.35." Did not you have any appropriation for the payment of expenses for that sale?

Mr. O'ROURKE. No, sir; that is a peculiar case, too. Congress passed a law for the sale of that property and made no arrangement for paying the expenses, and it was a peculiar bargain under which the parties who bought it paid the Government in gold at the time and the whole of it was turned into the Treasury and there was nothing left to pay the expenses of the negotiations.

Mr. HENDERSON. What are the details of these expenses of \$1,372?

Mr. O'ROURKE. I have it somewhere here. This is a very just bill.

Mr. HENDERSON. I suppose these negotiations were made by U. S. officers who are under salary?

Mr. O'ROURKE. It is for incidental expenses, cost of agents, etc.

Mr. HENDERSON. In our State the Attorney-General directs the U. S. district attorney to attend to the legal questions.

The CLERK. The law requires it as to new buildings and sites. This is a question of selling old property.

Mr. CANNON. I do not see how you can spend \$1,372 for selling the site unless there may be something I do not know anything about?

Mr. O'ROURKE. The expenses here seem to be reasonable. Here is the statement [exhibiting same].

The CHAIRMAN (taking the paper and examining same). Do you call these advertising expenses reasonable expenses just for selling a piece of property?

Mr. O'ROURKE. Yes, sir; I think they are.

Mr. HENDERSON (taking paper). One bill here for advertising is \$364.

Mr. O'ROURKE. Yes, sir; but you see it was a very large piece of property and brought some \$300,000 in gold.

The CHAIRMAN. But you pay for it according to the space occupied by the advertisement without regard to the value of the property?

Mr. O'ROURKE. I presume they went into a good deal of advertisement: The Pittsburgh Times got \$364.98 for advertising once and \$143.22 again, and that is \$500. Well, I was struck forcibly with the reasonableness of that bill because in some matters of condemnation in New York and Philadelphia—

Mr. CANNON. This is different from expenses of condemnation. There ought not to be any advertising over a piece as long as your finger and some handbills, and the fee of the auctioneer and a little traveling expenses from the office. It seems to me if I was going to guess about it—of course I am not combating that thing—you ought to sell that for \$500 for expenses.

The CHAIRMAN. When did this account come in?

Mr. O'ROURKE. This is about—nearly a year ago—from December 12, 1892, up to May 31. You know the law requires a certain time for advertising?

Mr. HENDERSON. Does the law specify the number of papers in which to advertise?

Mr. O'ROURKE. I think it does.

Mr. HENDERSON. I think there are four there?

Mr. O'ROURKE. No; there are two advertisements in the Pittsburgh Times, and two advertisements with N. P. Reed—that is in reference to their agent, I presume—and the law prescribes the length of time; I think it is thirty days.

Mr. HENDERSON. There are three or four newspapers?

Mr. O'ROURKE. No, sir; I think not. It is the same paper twice.

Mr. HENDERSON. I see there are five different items?

The CHAIRMAN. I want you to send us the clipping from that paper which you ought to have, showing the length of that advertisement. I want to see that. I also want to know the number of days it was inserted?

Mr. CANNON. I imagine that sale must have been adjourned from time to time, as I can not conceive four or five bills for advertising unless there was some adjournment.

The CHAIRMAN. I want you to send up a detailed statement of that advertisement.

Mr. O'ROURKE. Yes, sir.

(Subsequently, on April 4, Mr. O'Rourke added the following. See p. —.)

The CHAIRMAN. "For post-office at Portsmouth, Ohio: For payment of outstanding contract liabilities, \$100.97."

Mr. O'ROURKE. I think that is just the balance due, and that will close the matter up.

The CHAIRMAN. "For post-office at Sacramento, Cal.: For elevator and approaches to building, \$10,000." You had a limit of cost of \$300,000 and an appropriation of \$300,000?

Mr. O'ROURKE. And we have a balance of \$50.59.

The CHAIRMAN. Have you got an itemized statement there?

Mr. O'ROURKE. This deficiency is actual expenses for completion of approaches, including the inclosure for mailing platforms, local ventilation of toilet rooms, putting in coal chutes asked for, \$3,000; elevator, \$6,000; contingencies, \$1,000, making a total of \$10,000. The building is practically finished and occupied.

Mr. HENDERSON. And no elevator running?

Mr. O'ROURKE. No, sir; no elevator provided for.

Mr. HENDERSON. But the law provides for the elevator in the limit?

The CHAIRMAN. What kind of a building is it?

Mr. O'ROURKE. I think it is a two-story building.

The CHAIRMAN. Do you advise an elevator simply for a two-story building?

Mr. O'ROURKE. Very often.

Mr. CANNON. One thing comes in there. In a two-story building in a town the size of Sacramento, if it is given an elevator you have got to have at least two fellows to run that elevator, and it means in the neighborhood of \$2,500 a year; and in all of these small towns, especially where they have only a two-story building, I do not think elevators ought to be constructed at all.

The CHAIRMAN. When you go back I want your itemized statement completed, and then I want you to inform us which of these buildings for which you are asking deficiencies have two stories and which have three stories.

The next item is, "For quarantine station at San Diego, Cal., for payment of outstanding contract liabilities, \$305.59." What is the authorized cost of that quarantine station at San Diego, and if you have not got it there, let us know that, and let us know whether this will complete the whole business or not?

Mr. O'ROURKE. Yes, sir; that completes the whole thing.

The CHAIRMAN. "For quarantine station at San Francisco, Cal.: For payment of outstanding contract liabilities, \$157." Give us the same information about that.

Mr. O'ROURKE. I have it here.

The CHAIRMAN. Will that complete it?

Mr. O'ROURKE. Yes, sir; that will complete it.

The CHAIRMAN. "For post-office and court-house at Syracuse, N. Y.: For payment of outstanding contract liabilities, \$283.50." Will that complete the building?

Mr. O'ROURKE. Yes, sir; that completes the building. This is simply a long-standing deficiency.

The CHAIRMAN. "For post-office at Scranton, Pa.: For elevator, approaches, and completion of building, \$15,000." The limit of cost was \$250,000, and the appropriations have amounted to \$250,000. Is that a two-story or a three-story building?

Mr. O'ROURKE. I think it is a three-story building.

The CHAIRMAN. But you do not know.

Mr. O'ROURKE. I do not recollect. I think it is a two-story building with an attic.

The CHAIRMAN. Have you an itemized statement here?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. Let me see it.

Mr. O'ROURKE. The building was originally estimated to be faced with limestone or sandstone, but was faced with granite at the urgent request of Congressman Scranton and citizens.

The CHAIRMAN. When was that done?

Mr. O'ROURKE. I think three years ago.

The CHAIRMAN. I see you want \$1,000 for a tower clock.

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. (Reading from paper.) Elevator, \$5,500; approaches, \$7,000; tower clock, \$1,000; items omitted from contract for heating apparatus, \$1,000, making \$15,000 in all.

Mr. O'ROURKE. Yes, sir; and when we came to make the foundation we had to go down 8 or 10 feet deeper than was contemplated.

The CHAIRMAN. But then you got such an increased appropriation over the old limit. "For court-house and post-office at Sioux Falls, S. Dak.: For completion of building, \$25,000." It had a limit of \$150,000, and the appropriations amounted to \$150,000. How does that occur? I want to know the full history of this building. I heard that this increased cost arises out of somebody having an interest in furnishing a peculiar kind of stone or granite that is used in it; is that so?

Mr. O'ROURKE. I could not say that, but here is the note I have. The building exceeded the office estimate on account of using local granite (Sioux Falls jasper), and the change was made at the request of Senator Pettigrew and citizens. The first floor was laid fireproof instead of wood, as estimated; the eight-hour law also increasing the cost.

The CHAIRMAN. How much did that cost?

Mr. O'ROURKE. \$4,000.

The CHAIRMAN. The operation of the eight-hour law cost \$4,000?

Mr. O'ROURKE. And the jasper cost \$10,000.

The CHAIRMAN. Instead of getting your granite somewhere else at less cost you changed it and took the local granite at an extra cost of \$10,000.

Mr. HENDERSON. You know Sioux Falls' wealth consists of quarries, and she has the most wonderful quarries on earth, and I suppose the citizens thought they must put their best foot forward and build it out of that stone. I have been there and seen the granite and it is wonderful; it is like marble.

Mr. O'ROURKE. Yes; it is called jasper.

The CHAIRMAN. When you go back I want a full history of why it is you have asked for this deficiency of \$25,000.

Mr. O'ROURKE. The policy of the Supervising Architect's Office is, other things being equal, to discriminate in favor of the local material.

The CHAIRMAN. But you are not authorized to discriminate at the expense of an appropriation.

Mr. O'ROURKE. I was not responsible for that.

The CHAIRMAN. When was that done?

Mr. O'ROURKE. Before my time.

The CHAIRMAN. "For court-house and post-office at Tallahassee, Fla.: Completion

of building, \$10,000." You had a limit of \$75,000 and appropriations of \$75,000. Now, how is it that you are running \$10,000 above that limit?

Mr. O'ROURKE. The building was faced with pressed brick instead of selected red brick as was estimated for, and the change was made at the request of Senator Call and others.

The CHAIRMAN. When was that made?

Mr. O'ROURKE. Under my administration; but let me explain this. When we came to order the brick that was estimated for it was of such a rascally appearance that it would have been a shame to put it in the building, but that is only a small part of this deficiency.

The CHAIRMAN. Has there been any expenditure made at Tallahassee, Fla.?

Mr. O'ROURKE. Not over and above the appropriation.

The CHAIRMAN. But have you made these changes which will necessitate this appropriation?

Mr. O'ROURKE. No, sir. Nature has made the most of that deficiency, and the only change I have made is in substituting press brick.

The CHAIRMAN. What was the additional cost in that?

Mr. O'ROURKE. Not over \$2,500.

The CHAIRMAN. Then you do not want but \$2,500?

Mr. O'ROURKE. There was an outhouse estimated, but the citizens protested, and a system of plumbing was put in, but they had no waterworks there and no arrangement except privies out of doors, and a committee of citizens examined it and sent in a report showing they could, by building a drain from the building to the nearest stream or river, get a good drainage and improve the sanitary condition of the building very materially, and that was something that seemed to be absolutely necessary. This is for putting that in and I can give a statement of what that will cost.

The CHAIRMAN. Well, I want an itemized statement.

Mr. O'ROURKE. In fact we will have to have old-fashioned privies unless we put in this system of drainage.

The CHAIRMAN. Well, you give us a statement. "For post-office at York, Pa., for completion of building, \$10,000." The appropriation was \$80,000 and the limit was \$80,000. What is the necessity for this \$10,000?

Mr. O'ROURKE. The building was estimated to be faced with selected brick, but the basement was faced with stone and superstructure faced with pressed brick.

The CHAIRMAN. Why was the change made?

Mr. O'ROURKE. There was a rule made in my office I understand—I am making inquiry into that—that all basements should be faced with stone. That was the case I found in existence when I came in.

Mr. HENDERSON. Is that a wise thing to be done?

Mr. O'ROURKE. There is no question about that.

The CHAIRMAN. "For post office and court house at Syracuse, N. Y., \$70.10?"

Mr. O'ROURKE. Well, that is an old deficit.

The CHAIRMAN. How long has it been standing?

Mr. O'ROURKE. Two or three years.

The CHAIRMAN. "For marine hospital, Chicaco, Ill.: To meet outstanding liabilities for work on approaches incident to improvement of the grounds, \$607.11." How much was the appropriation for that purpose?

Mr. O'ROURKE. I have a communication here in regard to that. (See Ex. Doc. No. 115.) That was work ordered of the contractors not included in the estimate, nor was it in the contract, but Messrs. M. P. Bailey & Co., the contractors, offered to do it, and the superintendent there at the time authorized it, while he did not guarantee its payment.

The CHAIRMAN. When was this done?

Mr. O'ROURKE. About two years ago, and I think that ought to be paid. Here is the communication.

The CHAIRMAN. We will see that. "Public building at Lincoln, Nebr.: For construction of the elevator, \$10,000; for improvement of grounds, \$2,000; in all, \$12,000."

Mr. O'ROURKE. That is a three-story building, and the courts are up on the upper floor. There seems to be an urgent necessity for an elevator.

The CHAIRMAN. Do you want that appropriation?

Mr. O'ROURKE. Yes, sir; it is asked for. I think I made a kind of conditional promise, but that is on the condition of my robbing the New York post-office of an elevator.

The CHAIRMAN. What do you mean by talking about robbing New York?

Mr. O'ROURKE. I am going to put in two elevators there and take out one.

The CHAIRMAN. Do you intend to spend everything on New York; you have got \$90,000 for New York on the sundry civil bill, and now you want to spend this for New York?

Mr. O'ROURKE. I want this for the custom-house in New York, the most disgraceful building in the United States, where three-fourths of the revenue of the country comes in.

Mr. HENDERSON. Would not it throw light upon this matter to have a little statement from Mr. O'Rourke showing where the \$125,000 for heating, hoisting, and ventilating apparatus has been expended; I mean the total appropriation of \$125,000?

The CHAIRMAN. Yes; here is \$34,000 left, and we want to find out where the \$90,000 has been expended. Now, I wish you would furnish us with a detailed estimate of all the expenditures incurred under each one of these items in this bill.

Mr. O'ROURKE. Yes, sir.

The following papers were filed by Mr. O'Rourke:

The deficiencies for all the buildings herein requested, with the exception of Lewiston, Me., and Martinsburg, W. Va., were made necessary by action taken by the last administration, and the deficiencies for the following buildings were submitted to Congress last year: Birmingham, Ala.; Canton, Ohio; El Paso, Tex.; Galveston, Tex.; Helena, Ark.; Port Townsend, Wash.; Scranton, Pa.

OFFICE SUPERVISING ARCHITECT, *March 27, 1894.*

United States court-house and post-office, Birmingham, Ala.:

Limit of cost of site and building.....	\$335,000.00
Cost of site.....	\$53,569.75
Amount paid out under contracts.....	250,869.01
Amount expended for contingencies and miscellaneous items not included in contracts.....	29,144.53
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	1,232.52
	<hr/> 334,815.81
Balance available March 26, 1894.....	184.19
Deficiency asked.....	<hr/> 20,000.00

To be expended as follows:

Additional plumbing and marble work necessary to put the building in proper sanitary condition.....	6,500.00
Improvement and completion of the approaches, including iron fence.....	4,500.00
Elevator (basement and three stories).....	6,000.00
Fitting up room in basement for collector of internal revenue..	750.00
Concrete portion of floor of basement omitted from work and cementing walls of boiler pit.....	500.00
Superintendence.....	1,750.00
	<hr/> 20,000.00

Basement and three stories, work commenced March 28, 1890. Occupied August, 1892.

United States post-office at Canton, Ohio:

Limit of cost of site and building.....	\$100,000.00
Cost of site.....	\$22,344.58
Amount paid out under contracts.....	60,576.66
Amount expended for contingencies and miscellaneous items not included in contracts.....	12,815.50
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	4,250.74
	<hr/> 99,987.48
Balance available March 26, 1894.....	12.52
Deficiency asked.....	<hr/> 6,000.00

To be expended as follows:

Work which had to be deducted from contract for interior finish, etc., and necessary for the completion of the building:	
Concrete and cement floors, basement.....	900.00
Plumbing fixtures.....	1,200.00
Plastering, second story.....	700.00
Interior doors in basement and second story, and wainscot in first story.....	900.00
Vault doors.....	600.00
Base skirting, flooring, and window trim in second story.....	900.00
Water-closet partitions and directory board.....	200.00
Contingencies, etc.....	600.00
	<hr/> 6,000.00

Basement and two stories. Work commenced September 30, 1891. Occupied March, 1894.

United States custom-house, post-office, and court-house, El Paso, Tex..	
Limit of cost of site and building.....	\$200,000.00
Cost of site.....	\$10,375.94
Amount paid out under contracts.....	169,785.25
Amount expended for contingencies and miscellaneous items not included in the contracts.....	18,634.01
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	1,035.00
	<u>199,830.20</u>

Balance available March 26, 1894..... 169.80

Deficiency asked..... 7,000.00

To be expended as follows:

Elevator, including caging and necessary changes to building to receive same..... 7,000.00

Work commenced January 7, 1889. Occupied March, 1893. Basement and three stories.

United States custom-house, etc., Galveston, Tex.:	
Limit of cost of site and building.....	\$280,581.71
Cost of site.....	\$30,606.71
Amount paid out under contracts.....	209,857.79
Amount expended for contingencies and miscellaneous items not included in contracts.....	29,429.67
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	9,315.98
	<u>279,210.15</u>

Balance available March 26, 1894..... 1,371.56

Deficiency asked..... 4,000.00

Add balance available..... 1,371.56

5,371.56

To be expended as follows:

Elevator..... 5,000.00

Apparent surplus for contingencies..... 371.56

Work commenced May 29, 1886. Occupied April, 1892. Basement and three stories.

United States court-house and post-office, Helena, Ark.:	
Limit of cost of site and building.....	\$75,000.00
Cost of site.....	\$3,928.24
Amount paid out under contracts.....	55,004.71
Amount expended for contingencies and miscellaneous items not included in contracts.....	9,899.98
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	6,163.92
	<u>74,997.45</u>

Balance available March 26, 1894..... 2.55

Deficiency asked..... \$10,000.00

To be expended as follows—

Vitrified brick driveway..... 1,000.00

Granolithic sidewalks around entire site..... 3,500.00

Street curb and guttering..... 1,500.00

Lot coping and iron fence..... 3,000.00

Taking up old wooden fence and plank sidewalks..... 150.00

Contingencies, etc..... 850.00

10,000.00

Work commenced December 8, 1890. Occupied October, 1892. Basement and two stories.

United States post-office, Lewiston, Me.:

Limit of cost of site and building.....		\$75,000.00
Cost of site.....	\$16,472.19	
Amount paid out under contracts.....	32,433.92	
Amount expended for contingencies and miscellaneous items not included in contracts.....	6,780.92	
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	19,151.08	
		<u>74,838.11</u>

Balance available March 26, 1894.....		161.89
Deficiency asked.....		<u>9,500.00</u>

To be expended as follows:

Approaches.....	4,250.00
Heating apparatus.....	4,500.00
Contingencies, etc.....	750.00
	<u>9,500.00</u>

Work commenced May 30, 1892. In course of construction. Basement, one story, and attic.

United States court-house and post-office, Martinsburg, W. Va.:

Limit of cost of site and building.....		\$75,000.00
Cost of site.....	\$9,460.22	
Amount paid out under contracts.....	33,185.22	
Amount expended for contingencies and miscellaneous items not included in contracts.....	10,340.71	
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	18,253.03	
		<u>71,239.18</u>

Balance available March 26, 1894.....		3,760.82
Deficiency asked.....		<u>15,000.00</u>

To be expended as follows:

Elevator, including cutting of floors, constructing wells, holes, etc.	\$6,500.00
Plumbing.....	1,300.00
Approaches.....	3,000.00
Heating apparatus.....	3,500.00
White oak betterment.....	2,500.00
Contingencies.....	2,500.00
	<hr/>
	18,300.00
Deduct balance available.....	3,760.82
	<hr/>
	14,539.18

Work commenced March 10, 1892. In course of construction. Basement and three stories.

United States custom-house and post-office, Port Townsend, Wash.:

Limit of cost of site and building.....		\$240,000.00
Cost of site.....	\$9,177.19	
Amount paid out under contracts.....	200,720.35	
Amount expended for contingencies and miscellaneous items not included in contracts.....	28,989.63	
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	1,096.40	
		<u>239,983.57</u>

Balance available March 26, 1894.....		16.43
Deficiency asked.....		<u>15,000.00</u>

To be expended as follows:

Approaches.....	9,000.00
Elevator.....	5,000.00
Contingencies.....	1,000.00
	<u>15,000.00</u>

Work commenced August 1, 1889. Occupied June, 1893. Basement, two stories, and attic.

United States post-office, Sacramento, Cal.:

Limit of cost of site and building	\$300,000.00
Cost of site	\$40,695.97
Amount paid out under contracts	214,528.62
Amount expended for contingencies and miscellaneous items not included in contracts	21,236.65
Amount of outstanding contract liabilities charged against the appropriation under present limit	23,488.17
	<u>299,949.41</u>

Balance available March 26, 1894	50.59
Deficiency asked	<u>10,000.00</u>

To be expended as follows:

For completion of approaches including inclosure for mailing platform, local ventilation of toilet rooms, putting in coal chute, etc.	3,000.00
Elevator	6,000.00
Contingencies	1,000.00
	<u>10,000.00</u>

Work commenced September 13, 1890. Occupied February, 1894. Basement and three stories.

United States post-office, etc., Scranton, Pa.:

Limit of cost of site and building	\$250,000.00
Cost of site	\$35,484.77
Amount paid out under contracts	195,249.56
Amount expended for contingencies and miscellaneous items not included in contracts	17,549.72
Amount of outstanding contract liabilities charged against the appropriation under present limit	2,048.20
	<u>250,332.25</u>

Deficit March 26, 1894	332.25
Deficiency asked	<u>15,000.00</u>

To be expended as follows:

Elevator	5,500.00
Approaches	7,000.00
Tower clock	1,000.00
Items omitted from contract for heating apparatus	1,000.00
	<u>15,000.00</u>

Work commenced October 20, 1890; occupied February, 1894; basement and three stories.

United States court-house and post-office, Sioux Falls, S. Dak.:

Limit of cost of site and building	\$150,000.00
Cost of site	\$8,282.54
Amount paid out under contracts	89,235.27
Amount expended for contingencies and miscellaneous items not included in contracts	12,184.99
Amount of outstanding contract liabilities charged against the appropriation under present limit	12,792.73
	<u>122,495.53</u>

Balance available March 26, 1894	27,504.47
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Deficiency asked	25,000.00
Add balance available	<u>27,504.47</u>

52,504.47

To be expended as follows:

Interior finish	\$31,000
Betterment for white oak	3,500
Plumbing and gas piping	4,000
Electric-wire conduits	2,500
Heating apparatus	6,500
Contingencies	5,000
	<u>52,500.00</u>

Apparent surplus	4.47
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Work commenced January 28, 1892. In course of construction. Basement, two stories, and attic.

United States court-house and post-office, Tallahassee, Fla.:

Limit of cost of site and building.....	\$75,000.00
Cost of site.....	\$4,116.40
Amount paid out under contracts.....	40,128.60
Amount expended for contingencies and miscellaneous items not included in contracts.....	10,413.31
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	17,627.40
	<u>72,283.71</u>

Balance available March 26, 1894.....	2,716.29
Deficiency asked.....	10,000.00

Balance available March 26, 1894.....	12,716.29
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To be expended as follows:

Items omitted from contract for interior finish, etc., i. e., concrete, and cement floor in basement, vault doors, marble mantels and grates and the entire approaches.....	\$6,000.00
Heating apparatus.....	3,000.00
Sewer from building to river.....	2,500.00
Contingencies.....	1,200.00
	<u>12,700.00</u>

Apparent surplus.....	16.29
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Work commenced April 8, 1892. In course of construction. Basement, two stories, and attic.

United States post-office, York, Pa.:

Limit of cost of site and building.....	\$30,000.00
Cost of site.....	\$24,024.20
Amount paid out under contracts.....	24,830.10
Amount expended for contingencies and miscellaneous items not included in contracts.....	9,147.78
Amount of outstanding contract liabilities charged against the appropriation under present limit.....	6,059.22
	<u>64,061.30</u>

Balance available March 26, 1894.....	15,938.70
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Deficiency asked.....	10,000.00
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Balance available March 26, 1894.....	15,938.70
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25,938.70

To be expended as follows:

Interior finish.....	17,500.00
Plumbing and gas piping.....	3,200.00
Heating apparatus.....	3,000.00
Approaches.....	2,200.00

25,900.00

Apparent surplus.....	38.70
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Work commenced July 8, 1892. In course of construction. Basement, two stories, and attic.

Beatrice, Nebr., post-office..... \$91.49

Deductions from the contract of John A. Dahlgren, in the final settlement, dated January 6, 1894, for work omitted from his contract, viz:

Stone carving.....	80.00
Sash balances.....	20.00

100.00

Offset the above deficiency and make the appropriation unnecessary.

Bridgeport, Conn., post-office, etc..... \$219.33

Explained as follows:

Balance due Contractor D. J. Curtis on contract.....	\$136.40
Balance due Contractor D. J. Curtis for extra labor and materials supplied..	151.40
Balance due Contractor Chas. M. Cole & Co. for labor and materials supplied.....	47.56
Total.....	335.36
Deduct balance in Treasury.....	116.03
Deficit.....	219.33

(Appropriations should be made for 30 cents more than estimate.)

From the correspondence in the Department it is shown that this work was done upon the order of the superintendent of construction without specific authority from the Department and was not reported until the appropriation was nearly exhausted. The work was necessary, and has been performed by the public creditor and should be paid for.

Chicago, Ill., appraiser's stores.....	\$175.84
For paving in front of building.....	

This item is to repay the city of Chicago for paving; the Department did not authorize the work, and is in no way responsible therefor.

Hoboken, N. J., post-office.....	\$472.27
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Explained as follows:

Balance due contractors Johnston & Byrens.....	445.34
Due disbursing agent as commissions.....	26.93
	472.27

This deficiency was occasioned by extra work necessary to the completion of the building, but which the superintendent failed to report to the Department until after the appropriation was exhausted. This should be provided for.

Portsmouth, Ohio, post-office, etc.....	\$100.97
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Explained as follows:

Due F. Whitley for extra work.....	177.78
Due for advertising.....	36.70

Total.....	214.48
Balance in Treasury.....	113.51
Deficit.....	100.97

This expenditure was for extra work upon the approaches to the building, made necessary by the city of Portsmouth making changes in the grade. This should be provided for.

San Diego, Cal., quarantine station.....	\$305.59
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Explained as follows:

Balance due Coronado Foundry and Machine Company under contract.....	290.25
Balance due electric-light system.....	12.00
Balance due disbursing agent as commissions.....	3.34

Total deficit.....	305.59
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This deficiency was occasioned by an error in bookkeeping, two offices having drawn upon the same appropriation. It was not discovered until the appropriation was very low. The work was necessary, and has been performed in good faith and should be provided for.

Syracuse, N. Y., court-house and post-office.....	\$353.60
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Explained as follows:

Due Geo. A. Bartlett, disbursing clerk.....	70.10
Due John Moore & Co. for extra labor and materials.....	283.50

Total deficit.....	353.60
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This is for extra work furnished in the completion of the building, the necessities thereof having developed as the work progressed. This should be provided for.

Washington, D. C.....	\$32.50
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Explained as follows:

Due Wm. Forsyth, survey of Richards's property	\$20.00
Due Wm. Forsyth, survey of Maltby House property	12.50

Total deficit..... 32.50

In the authority from Congress for the purchase of these properties no provision was made for any expense in connection therewith. It was found necessary to make survey of said lands, and these are the bills. They should be provided for.

Chicago, Ill., marine hospital \$607.41

Explained as follows:

Due M. B. Bailey & Co. for labor and materials	630.00
Balance in treasury	22.59

Total deficit..... 607.41

This work was performed by the contractors with the knowledge and consent of the Government officials in Chicago in charge of the work, in the understanding that said officials would recommend its payment by the Department, it being necessary to the proper completion of the work and not included in their contract.

It seems but just that provision should be made for payment of this bill.

Cost of sale of old custom-house, Pittsburg, Pa., unprovided for by Congress.

Dec. 12, 1892, A. J. Pentecost, auctioneer	\$49.90
Dec. 23, 1892, Pittsburg Times, advertising	364.98
Dec. 23, 1892, L. & W. Neeb, advertising	198.45
Dec. 23, 1892, N. P. Reed & Co., advertising	321.30
Jan. 23, 1893, St. J. D. Dapray, traveling expenses	40.40
Jan. 23, 1893, Harry Clapp, traveling expenses	39.90
Jan. 23, 1893, Smith Printing Co., handbills	10.75
Jan. 31, 1893, Pittsburg Times, advertising	143.22
Jan. 31, 1893, L. & W. Neeb, advertising	85.75
Feb. 28, 1893, St. J. D. Dapray, traveling expenses	27.60
March 2, 1893, J. H. Gear, traveling expenses	40.10
April 8, 1893, A. J. Pentecost, auctioneer	50.00
	<hr/> 1,372.35

Bills not included in estimate:

Jan. 31, 1893, N. P. Reed & Co., advertising	121.15
Taking acknowledgment of Secretary to deed of transfer	1.00
	<hr/> 1,494.50

Appropriation should be made for \$122.15 more than estimate calls for.

This property was authorized to be sold by act of Congress approved August 23, 1892, but no provision was made for the expenses of the sale. The property was first authorized under order of December 20, 1892, but not sold, and again advertised under order of January 28, 1893, and was sold for \$433,500. The orders of the Department were to publish the advertisement in each case 21 times. The bills, therefore, have been prepared for payment and approved by the Department in accordance with the provisions of law governing advertising.

San Francisco, Cal., quarantine station:

Extra foundations for retaining wall in rear of laundry building	\$121
For tables and clothespresses	36

157

The precise location on the slope of a hill on which the laundry building was located was not known at time of making drawings, and the contract provided for a price per cubic yard for additional work which might be required after the lines of the building were laid out. The item of \$121 is for the additional work performed.

The tables and clothespresses were not included in the specification, being considered articles of furniture. The surgeon in charge, however, directed the contractor to make them, and the latter, in good faith, complied with the request, and the item of \$36, which is reasonable for the work, is for the three tables and two clothespresses.

APRIL 3, 1894.

ELEVENTH CENSUS.

STATEMENT OF MR. CARROLL D. WRIGHT, COMMISSIONER OF LABOR, IN CHARGE OF ELEVENTH CENSUS.

The CHAIRMAN. I want to ask you in regard to the policy of printing all returns of the enumeration of the soldiers of the Union Army. Have you any advice to give us or opinion to express in addition to the letter which you have written?

Mr. WRIGHT. The letter, Mr. Chairman, was very full, but I did not express any opinion in it because it was not my place to do so, but I can express it here. My opinion is, every object that Congress sought by the provisions in the census act relating to the veterans would be accomplished by the transfer of these schedules to the Pension Office, where they will be classified.

The CHAIRMAN. I would suggest, Gen. Henderson, that you question him in regard to this matter.

Mr. HENDERSON. I have not yet seen the letter.

Mr. WRIGHT. I can explain it to you briefly. The census act of March 3, 1889, provided that the enumeration for 1890 should include the names, length of service, and organization of all living veterans, and also to include the names and addresses, etc., of widows of deceased veterans of the late war. The object of that was, of course, if I understood it at the time, to secure information as to the possibility of the extension or restriction of pension laws—what the body of recruits for the pension roll amounted to. Now, the census officers went ahead and did that. They were tabulated practically. They made a special schedule, first getting the name of the veteran on the regular schedule and then getting these distinctive facts as to organization, addresses, etc., on the little special schedules. There were, in round numbers, about 1,100,000 of those veterans living in 1890. All the facts being already on the special schedule, the Census Office has the totals of the main facts, so that the Government is in possession, or will be, of these statistical features as to the number—

Mr. HENDERSON. What do you mean by totals of the main facts?

Mr. WRIGHT. That is, as to the number of veterans, what State they are from, etc., without giving the names.

Mr. HENDERSON. Taking it from the census data?

Mr. WRIGHT. Yes, sir. Now, the act further provided that the name, organization, length of service, and all of this should be printed, making a directory of them. That would involve the printing of 7 volumes of about 1,000 pages each, and the benefit is very small. You know at the Pension Office they have an Army and Navy record division, if I remember the name correctly, where they keep a card catalogue of names and addresses of veterans wherever they find them. What is now desired to be done is to turn over these schedules of veterans of 1890 to the Pension Office which would be put in that division, and they would secure a permanent record of all living men in 1890, instead of publishing them in 7 quarto volumes, which would require a further expenditure on the part of the Government of at least \$250,000 to carry out that part of the law with very small benefit. That is the report I made here, and I see no reason why the Government should go ahead and print those 7 volumes of names as that is four years ago and they are dying fast.

Mr. CANNON. It is in print now?

Mr. WRIGHT. No, sir; not a word.

Mr. CANNON. When it is turned over to the Census Office it is prepared to put in print?

Mr. WRIGHT. No, sir; simply to make it available the same as the card record. If I want to find out where my comrade lives now for the sake of convenience I go to the Pension Office, and if they have the address they give it to me. This would furnish 1,100,000 addresses.

The CHAIRMAN. How many widows does this show?

Mr. WRIGHT. I do not remember the number of widows, but I think the letter gives it.

Mr. HENDERSON. Are they included in the 1,100,000 names?

Mr. WRIGHT. No; but they would be included in the schedules.

Mr. HENDERSON. Let me see if I understand you correctly now; the law requires the publication of this data in separate volumes?

Mr. WRIGHT. Yes, sir; in separate volumes.

Mr. HENDERSON. And your thought is, instead of doing that the law should be amended so as not to print it but to turn the data over to the Pension Office for them to use—

Mr. WRIGHT. In this classified way, which would be far more advisable.

Mr. HENDERSON. And the result would be, there would be no published report on this subject?

Mr. WRIGHT. No published report except the bare statistics we should publish in population volumes as statistics so taken.

Mr. CANNON. How many in each county, State, etc.?

Mr. WRIGHT. Yes, sir; but not their names. The names will take up 7 quarto volumes of 1,000 pages each, making the census 31 volumes instead of 24.

Mr. HENDERSON. There was an additional idea in giving that legislation; it was thought it would enable men who were trying to establish claims to trace up their comrades' post-offices, etc.?

Mr. WRIGHT. So it would if it had been printed promptly, but it is four years ago and a great many addresses are changed, etc.

Mr. HENDERSON. There is no doubt the Pension Office has got a large number of addresses?

Mr. WRIGHT. Yes, sir; they have done admirably well, and it is one of the finest features of the Pension Office.

Mr. HENDERSON. I know when you write to get names and addresses of certain comrades of a soldier you can get the information.

Mr. WRIGHT. I think they have carried this out to a wonderful extent, and this is simply perfecting it.

Mr. HENDERSON. What would be the expense of publishing the 7 volumes?

Mr. WRIGHT. I think it would take about \$250,000 to prepare and publish them.

Mr. HENDERSON. How large an edition?

Mr. WRIGHT. Ten thousand. An edition of 10,000 is what the law provides.

The CHAIRMAN. Ten thousand sets?

Mr. WRIGHT. Ten thousand sets.

Mr. HENDERSON. That would be 70,000 volumes?

Mr. WRIGHT. Of course one volume may be alphabetically arranged and all that sort of thing by States, but it would require a further appropriation of at least \$250,000.

Mr. HENDERSON. More than you have now?

Mr. WRIGHT. More than we have now. It was abandoned practically and laid aside when I took charge of the Census in October, and I looked over the office to see what had been done and what had not been done, and that was one of the first things that struck me.

Mr. CANNON. How long will it take you to do this work?

Mr. WRIGHT. It is a pretty big job to arrange 7 volumes of 1,000 pages each; that is, the copy for it; it would take months.

Mr. CANNON. How much would the clerical work cost?

Mr. WRIGHT. Well, I made my estimate in the letter, and that letter was written last November. I wrote to the Secretary about it, and the Secretary forwarded it to Governor Sayers.

Mr. HENDERSON. How long is that letter?

Mr. WRIGHT. If you do not read the abstracts which you have with it, it is not very long.

Mr. HENDERSON. You had better read it as it is changing existing law.

The CHAIRMAN. Read the letter if you please.

The clerk read as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,

Washington, November 18, 1893.

SIR: I have the honor to call your attention to a provision in the act of March 1, 1889, under which the Eleventh Census has been taken, relating to the special enumeration of the survivors of the war of the rebellion. The provision of the act is as follows:

"SEC. 17. * * * *Provided, however,* that said superintendent shall, under the authority of the Secretary of the Interior, cause to be taken on a special schedule of inquiry, according to such form as he may prescribe, the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are survivors at the time of said inquiry, and the widows of soldiers, sailors, or marines; * * * The only volumes that shall be prepared and published in connection with said census shall relate to * * * length of service of surviving soldiers, sailors, and marines and the widows of soldiers, sailors, and marines.

In accordance with this provision of the census act, a special schedule was prepared and placed in the hands of the enumerators as a part of the general field-work of the census. (See Exhibit A.) As a result of this special enumeration there were found to be living at the time the census was taken (June, 1890) 1,099,668 soldiers, sailors, and marines, and 163,176 widows of soldiers, sailors, or marines. This statement is based upon a preliminary count made from the veterans' schedules,

without verification as to duplications, wrong entries, etc., and is subject to revision. (See Exhibit B.) The cost of this special enumeration was, in round numbers, \$63,000, or at the rate of 5 cents for each person so enumerated, as provided in section 11 of the act of March 1, 1889.

The necessity for making this special enumeration of survivors of the war of the rebellion was twofold: First, to ascertain the whereabouts of said survivors for the purpose of aiding comrades in securing information which would enable them to furnish the necessary data for the prosecution of pension claims, and, second, to determine, so far as possible, the number of surviving soldiers, sailors, etc., as well as the number of widows of such as had died, for purposes of pension legislation. The publication of the records of service of the Union survivors of the war of the rebellion, giving their name, the organization in which they served, length of service, and present post-office address, would, of course, fully answer the first requirement, provided the work of the enumerators was or could be made substantially complete and accurate.

The information called for by the special schedule relating to surviving soldiers, etc., was obtained at the same time that the inquiries were made regarding each individual returned in the census, as called for by the general population schedule, so that, by means of the proper identification on the population schedule of each surviving veteran or widow, it was possible to obtain concerning surviving veterans and widows of veterans a tabulated statement regarding present age, conjugal condition, occupation, etc., in the same manner as obtained for the population as a whole. For instance, the present count of the population cards, which is nearly completed, gives the number of surviving soldiers, sailors, and marines, and widows of such as have died, classified by quinquennial age periods, while later tabulations—provided there is time and money with which to complete them—will give much more detailed information concerning this class of persons, which will be of great interest and value to Congress in affording approximately correct data upon which to base subsequent pension legislation.

Upon the completion of the enumerators' work, and after the veterans' schedules had been separated from the remainder of the enumerators' returns, a preliminary examination of the records of service of surviving veterans, etc., was begun and was continued for several months. As a result of this examination it was found that the records of a large number of the veterans whose names were returned were found to be very incomplete, in many instances simply name and post-office address being given. To supply the missing data would require correspondence with the veterans personally, or consultation with the records in the War Department. So far as we went, the former course was pursued, and many thousands of letters of inquiry were forwarded and replies received and corrections made. In addition, it became apparent that, for purposes of presentation, allowance must be made for those persons who served in more than one organization, and also for such records of service as had been overlooked by the enumerators, but which would be added by the processes of verification. If the work of examining and correcting the veterans' schedules had been carried to its completion there would have been obtained, in all probability, upwards of 100,000 additional records of service. The presentation of the records of service of each surviving soldier, sailor, or marine, with the proper cross references in cases where they had served in more than one organization, making in all about 1,400,000 lines, would involve the printing of seven large quarto volumes of 1,000 pages each, and each containing 200,000 records. (For the form of presentation contemplated see Exhibit "C.")

In the preparation of this great mass of data in the form contemplated by the law the first thing to have been done—that which was being done, in fact, at the time of its abandonment—was the "carding" of the names returned on the veterans' schedules; that is, the transcription to a printed card, in convenient form for subsequent classification, of all the information returned on the schedules concerning each surviving veteran or widow. (See Exhibit D.) The appended sample of an assumed double enlistment, with marginal references, will give some idea as to the scope of this branch of the work. (See Exhibit E.) These records of individual service, when finished, were to have been first assorted by States, then, again, for each State by organizations (regiments, companies, batteries), and, finally, those of each organization arranged alphabetically by name. Of these cards 304,607 had been finished when suspension of the work was decided upon. In regard to the length of time required to complete this work, as well as the expense involved, a conservative estimate would place the time at from three to six months, with a force of at least 100 clerks, and the cost at not less than \$50,000.

This statement applies to the clerical part of the work only, that is, the preparation of copy ready for printing, and does not comprehend, in any way, the printing and publication of the 7 quarto volumes referred to, which is entirely outside of and in addition to the above estimate. The cost of printing and publishing these 7 volumes, which would be of 1,000 pages each, the edition being the same as for other

volumes of the census, can not be less than \$160,000, not including changes, proof-reading, etc. The total cost, therefore, of carrying out the provision of law referred to would be somewhere from \$210,000 to \$250,000.

Aside from the expense involved and the delay in the completion of the census work as a whole, it becomes a matter for serious consideration whether or not an attempt to complete and publish this huge directory of the survivors of the war of the rebellion four years after the completion of the enumeration, which supplied the basis for its compilation, is warranted by the facts. To accept the enumerators' work without further verification would be thoroughly unsatisfactory, while, on the other hand, to attempt at this late date to supply by correspondence the data needed to verify and complete the enumerators' work, would be attended with great difficulty and would lead undoubtedly to serious delay in the completion of the work. This doubt is further emphasized by the fact that, as has already been stated, it is a comparatively easy matter to determine from the population schedules themselves the approximate number of veterans and widows of veterans living at the present time, their probable expectation of life, and what proportion of the surviving veterans are married and liable to leave widows at their decease.

The distribution of these special-census reports regarding veterans, if published, would necessarily be limited and could not be supplied upon individual requests in the same manner as is contemplated regarding the census publications generally. The original intent of the law, therefore, in this respect might be practically complied with by providing for the transfer to the Pension Office or to the War Department the schedules containing the records of service of surviving veterans, together with their present post-office address, as returned by the census enumerators in June, 1890; the publication as a part of the report on population of the statistical data regarding the number, present age, conjugal condition, occupation, etc., of surviving veterans and widows of veterans will be made as a matter of course.

In brief, the matter stands as follows:

To complete the work relative to surviving veterans, widows of veterans, etc., as contemplated by the organic law of the Eleventh Census, will require the printing of 7 quarto volumes of 1,000 pages each, at an expense of not less than \$160,000, and an appropriation for clerical services, in addition to what has been estimated for in my communication of the 18th, of from \$50,000 to \$80,000, or a total expense additional to what has been estimated of from \$225,000 to \$250,000. Should the reports referred to be transferred to the Pension Office or to the War Department, the authority of law should be obtained. In my own opinion I feel warranted in stating that the whole intent of the law would be carried out should Congress authorize the transfer of the original material as suggested.

I am, respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

THE SECRETARY OF THE INTERIOR.

MR. HENDERSON. Has any of this data been given to the Pension Office?

MR. WRIGHT. No; we have no right to do it.

MR. HENDERSON. I understood you to say they had it?

MR. WRIGHT. Oh, no; that is to be transferred, and the sooner the better. I have talked with Grand Army men and soldiers about it. They made inquiry as to the thing and I have stated that Mr. Porter, my predecessor, had abandoned it because of the magnitude of the job, and that I had written this letter. They thought the whole purpose would be accomplished by this transfer and they said they would be glad to back me up.

MR. HENDERSON. There would have to be some legislation not only to authorize but to direct the Pension Bureau to utilize it?

MR. WRIGHT. The little item which I drew that the chairman has, simply directs me to transfer these special schedules to the Commissioner of Pensions.

MR. HENDERSON. Without any direction of power to the Commissioner?

MR. WRIGHT. He has the power and right to use it.

MR. HENDERSON. I mean as distinguished between authorizing and directing him to do it?

MR. WRIGHT. It would become a part of the great catalogue system which they have perfected there wonderfully well.

MR. CANNON. They already have such a division?

MR. WRIGHT. Which involves just such a system.

MR. HENDERSON. Are they working the card system in the Pension Office?

MR. WRIGHT. In the Army and Navy Record Division, if you send for information as to John Smith, of such and such an organization, they have got it all catalogued by cards like a library.

MR. HENDERSON. They have what is known as the Ainsworth system.

MR. WRIGHT. Yes, sir; we all use that everywhere nowadays. I believe the

whole purpose of the law will be as well carried out, but of course Tom, Dick, and Harry could not get a volume of these names.

Mr. HENDERSON. We had some years ago some volumes giving addresses of pensioners.

Mr. WRIGHT. Yes; one of the censuses printed the names of the survivors of the war of 1812, if I remember correctly.

Mr. HENDERSON. There were 2 or 3 volumes containing a list of those who are drawing pensions?

Mr. WRIGHT. Some ten or fifteen years ago, by order of Congress, there was a great bulky volume, perhaps 10 or 15 volumes, giving all the names of men drawing pensions from the Government, and it never amounted to anything much. These volumes would simply put in the hands of the claim agents a directory of names to be flooded with circulars.

The CHAIRMAN. You are satisfied that this census can not be completed by the first of July?

Mr. WRIGHT. Independent of this item?

The CHAIRMAN. Yes, sir.

Mr. WRIGHT. There are 24 volumes in the census and 3 are published. We will have copy of all but three portions of 3 volumes ready for the printer by the middle or last of June; that is nearly all prepared. There will be then remaining 1 of the population volumes, 1 of the vital-statistics volumes, and 1 of the volumes on farms, homes, and mortgages incomplete. It will take several months to complete those, as one can not be completed until the other is. There will then be the vast work of bringing out at the Printing Office these 21 volumes of matter, with the necessary revision and all that sort of thing, so that it is a physical impossibility to complete the census in accordance with the act of March 3, 1893, which provided only for the retention of 23 clerks to do all of this work; it is simply an absurdity.

The CHAIRMAN. I will state generally that that act to which you refer—

Mr. WRIGHT. The deficiency bill of last Congress—

The CHAIRMAN. Which required that this census should be completed by the 1st of January last, and that clause was put upon the bill after consultation with Mr. Porter.

Mr. WRIGHT. He drew it.

The CHAIRMAN. And it met with his approval?

Mr. WRIGHT. Yes.

The CHAIRMAN. Now, if we conclude to recommend and report a repeal of this clause, how long do you think it will take to complete the census and how much of a deficiency appropriation would be required?

Mr. WRIGHT. I think the whole copy—understand, I mean by completion the whole copy—for the Eleventh Census will be completed before October. There is no reason in the world why it should not. How long it will take after that to bring the volumes out of the Printing Office depends upon that office, and there is a vast deal of proof-reading and revision and it is an enormous work. My own impression is, if this veteran business is not done, the appropriation already made will run sufficient to complete the clerical work. It will carry the office and read proof up to January. Next January you might be obliged to appropriate a small amount to keep the body of proof-readers going, because it would take two years or more to bring 21 volumes out of the Printing Office.

That is a volume a month, and they can not do it, and you will have to provide for proof-readers and revisers after that, but I can tell you, within a very few dollars, the 1st day of next January what it will cost for that, but you need not make a single dollar of appropriation now, either for printing or binding. We have \$250,000 to our credit on printing and binding these final results and that will carry us amply up to the 1st of January, after that it depends upon the rapidity with which the Printing Office does the work. I will say this, Mr. Chairman, the condition of the census, compared with what it was when I took it in October, is far more satisfactory than I expected to have it at this time. We have got an exceedingly efficient force, which we are reducing constantly, but they are maintaining the work up to the highest efficiency.

The CHAIRMAN. Another question and I will be through with you. You stated to me this morning—I do not know whether Mr. Cannon was present—that you thought whatever was to be done should be done on an urgent deficiency bill, and that we should not wait at all for a general deficiency bill as that might bring confusion?

Mr. WRIGHT. Not only confusion, but worse than that. I submitted to the Secretary the other day two or three small items, one relating to the reports on agriculture and fisheries. By law I am obliged to bring out a report on fisheries. Now, the fisheries report was started out with a very elaborate report of 1,000 pages or more, but it was found more than a year ago, long before I went there, to be so

incomplete and unsatisfactory that it was limited by Mr. Porter, properly in my opinion, to the simple totals relating to fisheries, making simply a small matter of 40 or 50 pages.

Now, to print 10,000 copies of that in a separate volume, as directed by law, is simply ridiculous, so I ask you to print that in the report on agriculture, so as to save that amount. Now, this other little item I want to clean up is in the law of 1889, that provided for the collection from official sources of information relating to animals not on farms. I know what was meant by that, because that was before the Senate Committee on the Census, and I was called before them to give some information. They wanted a census of the animals in the country, horses and cattle. Of course, the census on agriculture could not take into consideration the animals on gentlemen's places which were not farms, so they put that in there.

I told them they could not get it, so they put that in there, "From official sources," which meant the States and counties might have statements in their assessment returns of the animals. Some did, too; but it has been found only in a very few instances was there a possibility of that law being carried out, so I have asked for that little feature to be repealed, so I will not be obliged to go on with a foolish piece of work. Now, if these things are done and left in the general deficiency bill and this other matter of the veterans is left in the general deficiency bill, you know the general deficiency bill never passes and ought not to pass until everything else is through, and if you are here until September, October, or anything of that kind, the result upon the Census Office will be very damaging indeed, and if it is to be done it must be done now. Now, if the suggestion made by Mr. Cannon yesterday in reference to that little abstract be done it must be done immediately. If you put all of these little items in the urgent deficiency bill, which you are to report to-day or to-morrow, it will be the best way, and the Census Office will know exactly where it stands.

The CHAIRMAN. Have you any clause to submit in reference to Mr. Cannon's suggestion?

Mr. WRIGHT. Yes, sir; I studied the matter very carefully and I can state what that abstract can contain. I will read a little section which I propose to cover Mr. Cannon's suggestion:

"The Commissioner of Labor, in charge of the Eleventh Census, is hereby directed to prepare forthwith an abstract giving the State totals of the main facts collected at the Eleventh Census, which abstract shall not exceed 250 pages, and shall be printed at the Government Printing Office and be ready for distribution by the first day of ——— next. There shall be printed and bound in cloth of such abstract ——— copies, of which ——— copies shall be for the use of members of the House of Representatives, ——— copies for the use of members of the Senate, 1,000 copies for the use of the Department of the Interior, and 1,000 copies for the use of the Census Office."

I say 250 pages because this is a thing you would not want in fine type. Now, I would suggest instead of the 1st day of July next to make it the 1st day of August, for this reason as you will see: We can put in that abstract the following items: The State and county totals relating to population divided between natives and foreign born. That is about all you want.

The CHAIRMAN. When you take the population of the South it would be very well for you to further subdivide it by saying "people, colored."

Mr. WRIGHT. We can do that. You want nothing of vital statistics. Insane, feeble-minded, deaf, and blind, you do not care anything about that. That is of no use in such an abstract. Now, crime, pauperism, and benevolence, you do want. We can put in the totals relating to the church population of the country; we can put in the totals relating to manufactures, wealth, debt, and taxation, assessed and true valuation; we can put in totals of fire, marine, and life insurance, of agriculture, of fisheries; we can put in total facts relating to transportation, both by land and by water, and totals of the mineral industries; the resources of Alaska, and totals relating to mortgaged property in all of the States, and totals relating to farms and homes. We can put all of this in that abstract, and that involves totals of every volume in the census except vital statistics and occupations.

The CHAIRMAN. What will be the deficiency cost?

Mr. WRIGHT. We will not ask you to make a single cent of appropriation for that.

Mr. CANNON. What would be the cost of publication?

Mr. WRIGHT. That is according to the number of volumes. I suppose a volume of 250 pages would cost for composition and stereotyping about \$3 a page, so it would cost \$700 for the composition and stereotyping of the first volume. After that the copies would cost you about 25 cents apiece; estimating 20,000 copies, which, perhaps, would be ample, 6,000 for the Senate, 12,000 for the House, and 2,000 for the Department of the Interior, it would cost you in the neighborhood of about \$6,000.

Mr. CANNON. And it would be at the rate of 25 cents a volume; does that include binding?

Mr. WRIGHT. Binding in cloth.

Mr. CANNON. Whether it is 20,000 or 50,000 copies?

Mr. WRIGHT. Yes, sir.

The CHAIRMAN. What date did you say we ought to fix when this work should be completed?

Mr. WRIGHT. I should prefer the 1st day of August, because I can make it more full and complete by that time.

Mr. CANNON. By the 1st day of August you would be—

Mr. WRIGHT. Sure to have this out. My point is, by that time we may get in more of these totals than we could on the 1st day of July.

Mr. CANNON. It seems to me right in that connection as the cost is so small, 25 cents, after all is said and done, this is to be the valuable information for the million touching the census.

The CHAIRMAN. Allow me to interrupt you right there now, and for that reason I believe Mr. Wright ought to have until the 1st of August.

Mr. CANNON. It seems to me we had better make a sufficient appropriation for 100,000 volumes.

Mr. WRIGHT. You have not got to make any appropriation for this as this is charged on the printing and binding of Congress. You have not got to say a word about money.

Mr. CANNON. One hundred thousand would only cost \$25,000 in round numbers.

Mr. HENDERSON. If we are going to get them we had better get enough to send to the reading and thinking men of our districts.

Mr. WRIGHT. You see, the law of the census now provides for 50,000 copies of the digest; my plan then would be to make this abstract so complete, as far as it went, so it would form the plates, type, etc., for that digest, already provided by law, so that there would be no extra expense so far as that goes. If you give me until the 1st of August I can go pretty near through.

Mr. CANNON. The 1st of August would mean—

Mr. WRIGHT. That they could be laid on your table, and that is why I want the time, so as to have no failure.

Mr. CANNON. If you gentlemen consent to it I should say we would need 100,000 copies.

The CHAIRMAN. One further question, because we want to finish up this census business as far as this Congress is concerned. You have got enough money on hand, for printing and binding, I mean, to last you until next session?

Mr. WRIGHT. Oh, yes, indeed.

The CHAIRMAN. You need no appropriation?

Mr. WRIGHT. No, sir; of no kind.

The CHAIRMAN. Then you have enough money on hand for every purpose?

Mr. WRIGHT. For all clerical work up to the 1st day of January next.

The CHAIRMAN. And your opinion is you will need but little more money for other purposes?

Mr. WRIGHT. Just enough money for the proof-reading after that.

The CHAIRMAN. Another question I want to ask you is this: In regard to the appropriations that have been made for printing and binding, does the Comptroller hold that these appropriations are continuing, or that they will lapse with each fiscal year?

Mr. WRIGHT. The law says in each case these appropriations, not only for our printing and binding, but clerical force, are hereby made available and continue available until exhausted. The Comptroller can not say a word about it. I have looked out for that.

The CHAIRMAN. I do not want you to have the slightest trouble about this business.

Mr. WRIGHT. There is trouble enough in the census anyway, and I do not want any trouble with the law. I verified every act to see if it had that language in it.

Mr. CANNON. One further question right there, which is for my information, for somebody will ask a question about it. You spoke of the time that will be necessary to get out these twenty odd volumes in your judgment?

Mr. WRIGHT. I sent up here some notes on each one of those points, a statement of facts.

Mr. CANNON. Is that the letter there?

Mr. WRIGHT. No; the letter the Secretary referred to you the day before yesterday. I have given that, so there is no trouble to go before the House and state the facts.

Mr. CANNON. It seems to me that it would be well also, Mr. Courts, if you can do it yourself, and, if not, with Mr. Wright's help, for you to get the exact cost and put that in.

The CHAIRMAN. We have got that here now.

Mr. HENDERSON. What 3 volumes are now out?

Mr. WRIGHT. One volume on the resources of Alaska, 1 on mineral industries, and 1 on wealth, debt, and taxation.

Mr. HENDERSON. Which will be the next ready?

Mr. WRIGHT. There are 6 or 7 volumes in the hands of the printer, all completed.

Mr. HENDERSON. Bearing on what topic?

Mr. WRIGHT. One volume on churches; the second volume on valuation and taxation, the text is all in the office; fire, marine, and inland insurance is in type; transportation, both volumes are in type, and vital statistics are in type, two volumes; pauperism and crimes, both volumes are in type.

Mr. CANNON. I want to ask you a question bearing on this 1st of August business. Now, the volume of which 50,000 copies is authorized, being the digest, suppose this authorization for the completion of a preliminary abstract is not made, in the ordinary workings of the office what time would that abstract be ready?

Mr. WRIGHT. That could not be ready before January.

Mr. HENDERSON. I did not quite finish my line of inquiry. What would be the size of those 24 volumes?

Mr. WRIGHT. About 1,000 pages each—they will average that; about 1,000 quarto pages.

Mr. HENDERSON. A very large book.

Mr. WRIGHT. A quarto book, this size [illustrating].

Mr. HENDERSON. And in addition to that you have a digest and a compendium?

Mr. WRIGHT. Yes, sir; a compendium of 3 volumes.

Mr. HENDERSON. Is the compendium to be in 3 volumes?

Mr. WRIGHT. One volume is out and the other volume is in type; we are on the last pages. The third volume I have not decided on; I have not decided whether I will have it printed.

Mr. HENDERSON. Is the first volume subject to distribution?

Mr. WRIGHT. Yes, sir.

Mr. HENDERSON. For the Tenth Census the compendium was in 1 volume?

Mr. WRIGHT. It was cut into two parts. There were about 1,400 octavo pages in it.

Mr. HENDERSON. Printed in one volume?

Mr. WRIGHT. The first edition was, and the second edition was in 2 volumes.

Mr. HENDERSON. Then there will be for the distribution of the Eleventh Census, 24 large volumes, a compendium including 3 volumes, and a digest consisting of 1 volume of 200 pages, and what will be the number of pages to the volume of the compendium?

Mr. WRIGHT. About 1,000 pages.

Mr. HENDERSON. And what else?

Mr. WRIGHT. A statistical atlas.

Mr. HENDERSON. Is that to be a summing up of the whole business?

Mr. WRIGHT. No, sir; it is to be pictures. That was provided by the law of February 23, 1893; I think that is the date.

Mr. HENDERSON. What kind of statistics?

Mr. WRIGHT. A statistical atlas was published by the Government in 1870, and a statistical atlas in 1880 by Scribners; as the Government would not do it Scribners did it. It is in atlas form that big [illustrating] and contains the principal totals of the Census illustrated by maps, diagrams, pictures, etc.—colored diagrams.

The CHAIRMAN. The Agricultural Department has been getting out some work of that kind?

Mr. WRIGHT. Yes, sir.

Mr. HENDERSON. Does the law prescribe the number of volumes for each kind that is to be issued?

Mr. WRIGHT. Yes, sir.

Mr. HENDERSON. How many of the 24 volumes?

Mr. WRIGHT. Well, they vary. Mr. Courts, have you got that law of February 23, 1893, relating to printing the Census? Some of the reports are 10,000, some 30,000, and this digest 50,000. That was fixed last year by somebody; a special act was passed providing for that.

Mr. HENDERSON. How many of the compendium?

Mr. WRIGHT. I do not remember just the number.

Mr. HENDERSON. It is fixed by the statutes?

Mr. WRIGHT. Yes, sir. Now this statistical atlas is more than half done. As to the diagrams, they have been made for these other volumes and they have been collected and it is not an expensive work as far as the copy is concerned; the expense is in the printing.

The clerk read the law as follows:

"That in addition to the usual numbers there shall be printed and bound 50,000 copies each of the digest and compendium, 15,000 for the use of the Senate, 30,000 for the use of the House of Representatives, 2,500 for the use of the Department of the Interior, and 2,500 for the use of the Census Office; 30,000 copies each of the

reports on population, and the report on agriculture, 9,000 for the use of the Senate, 18,000 for the use of the House of Representatives, 2,000 for the use of the Department of the Interior, and 1,000 for the use of the Census Office; 10,000 copies each of all other reports above mentioned and of the statistical abstract, excepting the special reports and monograms, 3,000 for the use of the Senate, 6,000 for the use of the House of Representatives, 666 for the use of the Department of the Interior, and 334 for the use of the Census Office; and 3,000 copies each of the special reports and monograms, 600 for the use of the Senate, 1,200 for the use of the House of Representatives, 600 for the Department of the Interior, and 600 for the use of the Census Office."

Mr. HENDERSON. What is a monograph?

Mr. WRIGHT. Take the work we published the other day on textile industries. These monographs and bulletins are provided for by law so as to bring out the facts quicker. A monograph is really a bulletin, and the same plates that a monograph is printed off are made a part of the final volumes, so that it is only a question of press work and paper. There have been ten or fifteen monographs and three or four hundred of the bulletins, or, in other words, the main facts of the Census have been given to the public.

The CHAIRMAN. As soon as you go back to the office please prepare us the amendments you suggest to this law?

Mr. WRIGHT. Yes, sir. So far as the Census is concerned it would be a very grave error to leave the provision for it in the general deficiency bill.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, March 30, 1894.

SIR: In accordance with your verbal request of yesterday, I have the honor to hand you herewith a draft of items relating to the Eleventh Census for the general deficiency bill. The reason for these provisions are as follows:

(1) Should the provisions relative to the census of survivors of the rebellion be carried out in accordance with the proposed bill, a further appropriation of nearly \$250,000 would be avoided, while all the benefits originally anticipated by Congress will be preserved. For a discussion of the question see letter of the Commissioner of Labor in charge, under date of November 18, 1893, which is in the hands of the chairman of the Committee on Appropriations of the House.

(2) The report on fish and fisheries was intended to be an elaborate report, filling one volume by itself. So many obstacles have arisen that the original plan was abandoned, and the report deals simply with totals and is comprehended in 40 or 50 pages. It would, therefore, be unwise to print it as a separate volume, and the best place to preserve these facts seems to be in the report on agriculture, which will also contain that on irrigation; but without the provision asked for the report on fish and fisheries will have to be a separate volume.

(3) The act providing for the Eleventh Census directed that information relating to animals not on farms should be collected from official sources; that is, from State and county official sources. This was so provided because it was impossible to make an enumeration involving animals not on farms. It was found to be impossible to carry out the directions of the act, because with very few exceptions States and counties have not the official data anticipated by the framers of the law. The Census Office, therefore, ought to be relieved of the duty involved.

(4) The last paragraph provides for the repeal of the provisions limiting the time of the work of the Census Office to the 31st of December last, and again to the 30th of June, of the current year. It is simply a physical impossibility to carry out the provisions of the law as they exist, relative to closing the work of the Eleventh Census, for the following reasons:

First, the law, as it now stands, provides for the retention, other than the farms, homes, and mortgages division, of only 23 clerks—a force entirely inadequate to the closing of the census work. There are to be 24 quarto volumes of nearly 1,000 pages each, as the report on the results of the Eleventh Census. Three of these volumes have already been published, leaving to the present administration of the Census Office 21 volumes. Of this 21 volumes all but portions of 3 volumes will be in the shape of "copy" before the 30th of June. To complete the other portions will require from two to four months; one of the portions being that of the farms, homes, and mortgages report, for which the law now allows until the 1st of October.

Second. While the general clerical work of the Census will thus be practically completed by the 30th of June, the bringing out of 21 volumes of final results, the volume of the Compendium, the Digest and Statistical Atlas, and Monographs, all provided for by law, will require an immense amount of revision and proof-reading. It is thus utterly impossible to complete the Census, so far as the preparation of copy is concerned, and the bringing out of the printed volumes, under the existing provisions of law.

It will be noticed that no money appropriation is suggested at the present time, for, under existing appropriations for printing and binding and for continuing the work of the Census, all the copy for the whole 21 volumes can be prepared and such proof-reading and revision as will be necessary, prior to January next, can also be carried on. Of course this will require judicious administration and a proper and rapid reduction of the force after the middle of April.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner of Labor in Charge.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF INTERIOR, *March 30, 1894.*

Respectfully forwarded to the chairman of the Committee on Appropriations, House of Representatives, with the information that I concur in the views as expressed in the within communication of the Commissioner of Labor, in charge of the Eleventh Census.

HOKE SMITH,
Secretary.

TUESDAY, *April 3, 1894.*

ADDITIONAL STATEMENT OF CARRÓLL D. WRIGHT, COMMISSIONER OF LABOR AND ACTING SUPERINTENDENT OF THE ELEVENTH CENSUS.

The CHAIRMAN. The committee are inclined to consider that it probably would be better policy to simply extend the census to the 1st of March, 1895, instead of repealing the law; and then if there should be a necessity of a further extension, of course we will do it.

Mr. WRIGHT. There will not be such necessity, except for proof-reading.

Mr. CANNON. If an extension rather than a repeal of the law be made, would it not make it a little easier in matters of administration by reason of relieving the pressure brought upon you to retain the people in office?

Mr. WRIGHT. An extension of repeal instead of repeal of extension, I suppose, would just be the same in regard to the pressure. I expect that on the last day there will be a pressure to keep somebody until the next day.

Mr. CANNON. How many have you in office now?

Mr. WRIGHT. Nine hundred, and we expect to discharge 100 more in April.

Mr. CANNON. If there is no change, you would have to discharge everybody on the 1st of July?

Mr. WRIGHT. Yes, sir.

Mr. CANNON. If we repeal it outright, fixing no time, would not the pressure be great?

Mr. WRIGHT. That would be difficult to say. That pressure has got to be met anyhow. My object in putting in the language was on account of some desire expressed by members that there should be a permanent service later on. I would as lief have it extended to a day certain as to have a repeal.

The CHAIRMAN. Would that work any trouble?

Mr. WRIGHT. Not the slightest, because the whole force will be out of the way this fall, except proof-readers and revisers.

DEPARTMENT OF AGRICULTURE.

STATEMENT OF MR. F. L. EVANS, OF THE DEPARTMENT OF AGRICULTURE.

The CHAIRMAN. You ask for a deficiency, I see by the estimate, of \$7.15. Does that comprise the full amount for that year under that head?

Mr. EVANS. No, sir; there is another item of \$72.55.

The CHAIRMAN. You have not it here.

Mr. EVANS. I can not explain how that occurred. It occurred under the former administration, before I took charge.

The CHAIRMAN. How did you get your estimate?

Mr. EVANS. That must have been put in some time ago. When is that dated?

The CLERK. It came here February 6, 1894.

The CHAIRMAN. How long have you been in the office?

Mr. EVANS. Since last July. It must have been submitted to the Treasury Department and then held by them for some time.

The CHAIRMAN. You know nothing about it, at all?

Mr. EVANS. No, sir.

The CHAIRMAN. There is another item for 1893 of \$246.10. How did that arise?

Mr. EVANS. That must have been stated at the same time as the other.

The CHAIRMAN. We desire information upon this subject.

Mr. HENDERSON. Your best plan is to look the matter up and address a letter to the chairman of this committee.

Mr. EVANS. I will do so. That must have been incurred by my predecessor. May I be allowed to say a word in regard to the other estimate of \$72.55?

The CHAIRMAN. Certainly.

Mr. Evans read the following letter:

U. S. DEPARTMENT OF AGRICULTURE,
DIVISION OF ACCOUNTS AND DISBURSING OFFICE,
Washington, D. C., March 19, 1894.

SIR: In reply to your letter of the 15th instant to the honorable Secretary of Agriculture, relative to the accompanying claim of the Minneapolis and St. Paul Railway Company for \$72.55, referred to me, I beg to state that the records of this office show that the account was duly audited and entered up against the appropriation for "vegetable pathological investigations and experiments" for the fiscal year 1892, and then forwarded to the U. S. Treasury for settlement October 27, 1891, but not having been paid by the Treasury remains *in statu quo* upon the books of this Department, and can be taken up as a deficiency.

The services were rendered as stated, July 9, 1891; therefore the claim is a just and proper one, and is after careful consideration approved by the Secretary.

I have the honor to return herewith all papers received from you recently, together with the account duly audited and approved, and request that a deficiency be stated to cover the amount.

Very respectfully,

F. L. EVANS,
Disbursing Clerk Department of Agriculture.

Hon. E. P. BALDWIN,
First Auditor, U. S. Treasury.

The CHAIRMAN. Has this estimate been sent to Congress before?

Mr. EVANS. No, sir; that was a railroad account, and the account came in and was forwarded to the Treasury Department and they disclaim any knowledge of it up there; they say it was not received by them.

The CHAIRMAN. You say there is no question about the justness of this indebtedness?

Mr. EVANS. None whatever, not the slightest; it was simply overlooked in that way.

The CHAIRMAN. Please write us a letter in regard to these other two items explaining same?

Mr. EVANS. I will do so.

THOMAS GILLIAT, HEIRS OF.

STATEMENT OF MR. S. P. KNUT.

The CHAIRMAN. Mr. Knut, you may make your statement.

Mr. KNUT. This is a French spoliation case, where the administration was taken out on the estate of the son instead of the father, and when the appropriation act was made it was required that the Court of Claims should issue certificate and that the money be paid to parties in court representing the next of kin of the original claimant. Now, it was not the original claimant originally in the court, but the son, and I now ask that the money be paid to the legal representative to that father instead of the son.

The CHAIRMAN. What case is that?

Mr. KNUT. The case of Thomas Gilliat. Here is the report.

[House Report No. 2462, Fifty-second Congress, second session.]

The Committee on Claims, to whom was referred House resolution 194, having had the same under consideration, beg leave to report as follows:

It appears that through the carelessness of one of the heirs of Thomas Gilliat, deceased, that letters of administration were taken out upon the estate of the claim-

ant's father instead of upon the estate of the grandfather, and that the mistake was not discovered until the appropriation mentioned in the joint resolution had been made by Congress.

Your committee has carefully examined all the papers in the case, and find the facts to be as stated, and that the passage of the joint resolution reported back will enable the Secretary of the Treasury to pay the money heretofore appropriated to the administrator of the original claimant, instead of to the administrator of the son of the original claimant.

Your committee are satisfied from its investigation that the resolution, if passed, will enable the Secretary of the Treasury to carry out the intention of Congress in making the original appropriation, and the money thereby appropriated will go to the parties rightfully entitled thereto, and to no one else. They therefore recommend that Joint Resolution No. 194 lie upon the table, and submit a substitute therefore, and recommend that the same do pass.

Mr. HENDERSON. Was this one of the matters embraced in an appropriation in the second session of the Fifty-second Congress?

Mr. KNUT. Yes, sir.

Mr. HENDERSON. You want a substitution of parties to become beneficiaries of the appropriation thus made?

Mr. KNUT. A substitution of the legal representatives, but the same parties exactly. Administration was taken out on the son's estate instead of the father's estate. I have drawn an amendment which I would like to leave with you. I have the papers from the court, but I do not know whether you want those or not.

OFFICIAL REPORTERS, REIMBURSEMENT TO.

STATEMENT OF MR. JOHN H. WHITE, OFFICIAL REPORTER OF DEBATES.

The CHAIRMAN. Mr. White, you may make your statement.

Mr. WHITE. I ask to be permitted to read a short paper.

On behalf of the official reporters of the House, I ask the attention of the committee to the following facts: The reporting of the debates up to the Forty-third Congress was under the contract system. The Congressional Globe was published at 12 o'clock on the day following the debate. The contractors did not undertake to furnish the matter in print the next morning, as at present. The Record is now published between 4 and 6 o'clock every morning, no matter how late the session may be prolonged. I do not remember any time when it has been delayed, except where the House was in session all night, and then all matter is published up to the hour when the Record must go to press.

The contract allowed the Globe to be printed in daily installments of fifty columns, and therefore it was not uncommon for the publication to be three or four days behind. The Record of this Congress averages about eighty columns per day, and as two columns of the Record equal three of the Globe, the daily matter now furnished by the same force that was employed on the Globe is equal to 120 columns of the Globe, and yet the publication of the proceedings has never been delayed a single day.

When this old system (existing up to the Forty-third Congress) of reporting the debates by contract was succeeded by the present method the five official reporters employed by the contractors were retained as "officers of the House," under the law which has since been in force, at a compensation of \$5,000 per annum each. At that time owing to the small bulk of the work done in Congress the clerical assistance required by the reporters was so slight as to amount practically to nothing. But owing to the changed conditions brought about by the enlarged membership of the House and the enormous increase in the volume of the debates, we are now compelled to pay out a very large proportion of the salary for clerical hire, without the aid of which it would be, of course, utterly impossible to get up the Record at all.

The following figures will give some idea of this increase: During the Forty-third Congress (when the change referred to was made), when the same amount was paid the reporters as now, the total number of pages of House and Senate proceedings of both sessions was only 7,728, which has gone on steadily increasing until the Fifty-first Congress, when the total was 16,798 pages, or an increase of nearly 250 per cent; all of which means not only additional labor but a vastly increased expense on our part, since we pay about \$1 per column for the work.

But to show more clearly the steady increase of our work and expenses (for the more work we do the less pay we get), I ask your attention to the following facts: On the 11th of March, when this statement was prepared, the total number of pages of the Record for this Congress, exclusive of the index, was 7,297 (or nearly as much

as both sessions of the Forty-third Congress), while on the same date in the Fifty-first Congress it was but 2,138 pages, and in the Fifty-second Congress 2,016 pages, showing an increase of over 350 per cent.

To give some idea of the enormous expense to which we are subjected in consequence of this work, to say nothing of the physical labor involved, for several weeks past I have been quite ill and unable to work, but left my two clerks to be used, as far as they could be of assistance to my associates, in getting out the debates. I was also able to provide for a short time the aid of an experienced stenographer to help, as far as a new man without the long experience and training which the work in the House requires could help, to relieve my colleagues of the additional strain imposed upon them. From January 22 to March 8, when I was thus unable to work, the bills I paid for this clerical service amounted to \$287, while for less than two weeks' work of the substitute I will have to pay about \$200 more.

On one single day that I have now in mind, January 13 of this year (though I could point to many similar occasions), I paid for clerical hire \$14.

We think that some provision should be made by which we would be relieved entirely of this expense—some such provision, for instance, as that which allows clerical aid to Members and Senators. But we realize the fact that it is almost hopeless to expect action on such a proposition in view of the immense number of public matters always pressing upon the attention of the committee.

We respectfully ask now that in the general deficiency bill provision be made, similar except in amount to that heretofore allowed in each of the long sessions of Congress since and including the Fiftieth, viz:

"To reimburse the official reporters of the proceedings and debates of the House of Representatives for moneys actually paid by them so far during the present Congress, for clerical hire and extra clerical expenses, \$1,500 each, and to John J. Cameron, assistant official reporter \$250, in all; \$7,750."

In regard to this last item let me say that Mr. Cameron's salary is only \$83.33 per month, while a similar official in the Senate gets \$1,440 per annum; and yet, owing to the vastly greater membership of the House, it is, I think, safe to say that Mr. Cameron does fully three times as much work.

STATEMENT OF MR. G. C. LAFFERTY, OFFICIAL REPORTER TO COMMITTEES.

MR. LAFFERTY said: Mr. Chairman, I desire also to be permitted to read a brief statement in regard to the same matter.

The CHAIRMAN. Very well.

Mr. Lafferty read the following statement:

Mr. Chairman and gentlemen of the committee: As this matter has been fully explained and appropriated for for a good many years past, it is hardly necessary to refer but briefly to it.

The arguments made by the reporters of debates apply equally as well to the committee reporters, both in regard to the amount of work done and the large sums necessary to be paid to have the work transcribed during what will practically be three sessions of Congress. The tendency every year to throw more and more of the work of the House upon the committees has increased our work certainly double in the last six years. The past session, beginning in August, has continued for us almost uninterruptedly, we, as your committee know, having been called upon to work during the short recess. On the meeting of Congress, in December, the committees and work being organized, our work went straight on without cessation. There have been more general hearings by different committees of this House during the extra session and this session than ever before, and while the number of investigations have not been so great as in some former years, a great many committees have held hearings for such a length of time as practically to amount to extended investigations. We refer you especially to the voluminous records of your committee, the Committee on Ways and Means, Banking and Currency, Territories, Merchant Marine and Fisheries, Agriculture, etc. This session we have been called upon even to report hearings as to whether there should be investigations, which in the amount of work were investigations as far as we were concerned.

To dictate the enormous amount of notes we take, we have to use either phonographs or graphophones. Each of us requires two of these machines, which cost \$125 a year each rent, making \$250 per annum. We pay for these. We require typewriters; we furnish these. All our time being occupied either in taking, dictating, or correcting notes, it is absolutely necessary for us to have amanuenses to transcribe these notes from the machines. Estimating in hearings before a committee the rate of speed at only 150 words per minute, which is a very low estimate, every hour one of us spends in a committee costs him \$4.80 for transcription, which

we have to pay, and of course we have it done at the lowest rate possible for good work. So your committee will see when we take notes for two hours and a half in a committee—and we frequently take notes for four, five, and six hours—it costs us considerably more than we receive as salary, or, in other words, we are losing money.

In former years extra stenograph reporting has run up to many thousand dollars for the session. This session, by working day, night, and Sundays, and by a lucky distribution of calls from committees, and from investigations being made here instead of at other places, the amount is only \$26.

You must remember the amount asked for is for two years, not for one year.

An inverse ratio of compensation by which the more work a man does the less he gets is so manifestly unfair that it is not worth while to argue it.

It is just the same principle as if you were to appropriate the salary for, say, the postmaster of the House and tell him that out of that salary he had to pay for the clerical assistance necessary to enable him to do the work of that office.

Mr. LAFFERTY. Mr. Chairman, I also desire to read a short statement from my colleague, Mr. Kehoe,

WASHINGTON, D. C., *April 3, 1894.*

SIR: I desire to say that in the Forty-eighth Congress the salary of the official stenographers to committees was reduced from \$5,000 per annum to \$4,000; so that for ten years we have each been receiving \$1,000 less per year than was ever paid before.

During this time new appliances (the typewriter and the phonograph) have been adopted, enabling us to do much more work in less time than formerly, when all transcripts were written with a pen.

The offices of official stenographers to committees antedate those of the official reporters of debates, and the salary of the latter was fixed at \$5,000 because it was the salary of the committee stenographers.

We have been called upon to do a largely increased amount of work at \$1,000 less salary per annum.

Frequently during the present session our expenses for transcript have been as high as \$25 a day, doing work of the Committee on Ways and Means and the Committee on Appropriations.

To do our work on a folio basis at the rate allowed by the House would cost \$25 per hour for the note-taking, if done by a private party. The committee work of the House of Representatives is regarded by all stenographers as the most difficult known to the profession, on account of the great number of technical and intricate subjects, and the long hours of physical strain, as well as the lack of order in the proceedings.

Very respectfully,

W. J. KEHOE.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS.

Mr. CANNON. What is it you official stenographers to committees want?

Mr. LAFFERTY. We desire to be put upon the same basis as the official reporters of debates in regard to reimbursement of moneys paid out by us.

Mr. CANNON. That is, you want the same amount?

Mr. LAFFERTY. Yes, sir.

WEDNESDAY, *April 4, 1894.*

MAIL TRANSPORTATION, RAILROADS.

STATEMENT OF D. H. FENTON, CHIEF OF THE BOOKKEEPING DIVISION, SIXTH AUDITOR'S OFFICE.

The CHAIRMAN. What is the first item of which you wish to speak?

Mr. FENTON. The first item is on page 63 of the bill under the Post-Office Department, the particulars of which are found in Ex. Doc. No. 103.

The CHAIRMAN. The estimate for mail transportation by railroads was \$25,500,000, and the appropriation was \$24,500,000. You ask for a deficiency of \$1,269,000. How is it that your expenditures are so much greater than your estimates?

Mr. FENTON. That, I believe, you will find is controlled by a difference of opinion between the then Secretary of the Treasury and the estimates of the Second Assistant Postmaster-General, which I understand was brought about by the payment of the Department, at the suggestion of the Secretary, of the nonaided portions of the

Pacific Railroads which was not in the estimate of the Second Assistant Postmaster-General for that fiscal year. Upon a suit brought and decided in the Court of Claims the Secretary of the Treasury and the then Auditor of the Post-Office Department concluded that that portion of the nonaided railroad service should be paid the same as any other, and by the payment of that portion of the Pacific Railroad nonaided service it reduced the amount from that of the estimates of the Second Assistant Postmaster-General.

The CHAIRMAN. When was this payment made?

Mr. FENTON. During the fiscal year 1893.

The CHAIRMAN. What time during the fiscal year?

Mr. FENTON. All the way through on the nonaided lines from July 1, 1892, and ending on June 30, 1893.

The CHAIRMAN. How much was paid these nonaided railroads?

Mr. FENTON. I can not give the exact item at all. I have not got it; but it can be found in the annual report of the Sixth Auditor.

The CHAIRMAN. Will you be kind enough to furnish this committee a statement showing the different amounts paid the nonaided railroads?

Mr. FENTON. The reports of the Department will show it.

The CHAIRMAN. You can furnish it?

Mr. FENTON. I can.

The CHAIRMAN. Were the same payments made for the fiscal year 1893 to these nonaided railroads that are sought to be made during the present year?

Mr. FENTON. That I am unable to state, because that is a matter which comes under the Second Assistant Postmaster-General, and I can not say what he took into consideration in making his estimates.

Mr. CANNON. Are they paying the nonaided lines of the Pacific roads during the present year?

Mr. FENTON. Yes, sir. We have been paying them since 1893, owing to the decision of the Court of Claims that the nonaided portions of the Pacific railroads should be paid, and they have been paid by warrant from the Post-Office Department.

Mr. CANNON. Was any appeal ever taken?

Mr. FENTON. I do not know.

Mr. CANNON. There are three or four decisions?

Mr. FENTON. In this particular case there may be. I am not able to state; but not to my own knowledge has there been any appeal on this subject.

Mr. CANNON. You do not know any appeal in 1893 or 1894 upon these matters?

Mr. FENTON. No, sir.

Mr. CANNON. If there was an appeal to the Supreme Court, it was prior to that?

Mr. FENTON. It would not be prior, because the question was not raised until 1893. The Court of Claims decided that the nonaided portions of the Pacific railroads should be paid by warrant.

The CHAIRMAN. Has the policy that has obtained during the years 1893-'94 been reversed?

Mr. FENTON. Yes, sir; based upon the decision of the Secretary of the Treasury.

The CHAIRMAN. What Secretary?

Mr. FENTON. It was signed by O. L. Spaulding, Assistant Secretary, June 20, 1891.

The CHAIRMAN. Has the Department ever sought to have a revision of that opinion?

Mr. FENTON. Not to my knowledge.

The CHAIRMAN. And so, under a decision of an Acting Secretary of the Treasury, the policy that has obtained in respect to these nonaided lines of the Pacific railroads has been reversed?

Mr. FENTON. The opinion of the Secretary has not been reversed.

The CHAIRMAN. But the policy of the previous time has been reversed?

Mr. FENTON. Yes, sir; by decision of the Secretary; and the Auditors have been ordered to pay, which we are now doing.

Mr. LIVINGSTON. Does the Sixth Auditor act under authority from the Secretary of the Treasury?

Mr. FENTON. Yes, sir.

Mr. LIVINGSTON. Has there been any opinion by the Attorney-General?

Mr. FENTON. I am unable to answer that clearly, but I know of none. I have been in office only a few months; but during that time I have gone into this question as thoroughly as possible.

The CHAIRMAN. How much of the deficiency of \$1,269,000 is intended for these nonaided roads.

Mr. FENTON. I am unable to answer that.

The CHAIRMAN. Could you refer to it?

Mr. FENTON. No, sir. That is prepared by the Second Assistant Postmaster-General.

The CHAIRMAN. Who can give us that information?

Mr. FENTON. I can give you the actual amounts and date of payments to the non-aided portion of the Pacific lines for 1893, but not for 1894.

The CHAIRMAN. Then upon what do you base this estimate?

Mr. FENTON. I have not made this estimate.

The CHAIRMAN. Who did?

Mr. FENTON. That, I presume, comes from the Second Assistant Postmaster-General.

The CHAIRMAN. Then why are you assuming to speak about it?

Mr. FENTON. I have been talking since I sat down about the item of \$283,000.

The CHAIRMAN. And all your conversation applies to this second item?

Mr. FENTON. Yes, sir; the item of \$283,737.91 for the fiscal year 1893. It is the amount of the deficiency created by the Second Assistant in not taking into consideration the payment of the nonaided lines for that year, and the decision of the Secretary in ruling that they should be paid out of the appropriation.

The CHAIRMAN. From what office do we get information in regard to this first item?

Mr. FENTON. From the Second Assistant Postmaster-General.

Mr. CANNON. How long have you been in the Department?

Mr. FENTON. Since last November.

Mr. CANNON. What is your position in the Sixth Auditor's office?

Mr. FENTON. I am chief of the bookkeeping division.

Mr. CANNON. You are not familiar with the litigation in the Court of Claims in one or more cases involving the principle of the payment for the transportation of mails upon nonaided lines, and the service rendered by those roads to the Government, upon which there was an appeal taken to the Supreme Court, and the judgment of the Supreme Court affirming the judgment of the Court of Claims?

Mr. FENTON. No, sir.

Mr. CANNON. All you know about it is for 1893, and that the nonaided lines were paid for mail transportation, and are being paid in 1894?

Mr. FENTON. That is all.

Mr. LIVINGSTON. Can you furnish a statement of the amount paid the Pacific railroads?

Mr. FENTON. It is in Ex. Doc. 103. The amount given to every road, and the date, will be found there.

The CHAIRMAN. The next item is "mail depredations."

Mr. FENTON. That comes under the Fourth Assistant.

The CHAIRMAN. The next item is compensation of postmasters.

Mr. FENTON. That is an ascertained deficiency.

The CHAIRMAN. For 1893 the deficiency was \$635,792.87.

Mr. FENTON. This is the actual expenditure of the Department for the compensation of postmasters over and above the appropriation made for that year.

The CHAIRMAN. How is it your estimates are so much smaller than your expenditure?

Mr. FENTON. I can not answer that unless it be that the estimates made by the Post-Office Department fell short, and failed to take into consideration the increase in the service.

The CHAIRMAN. Are all these ascertained amounts?

Mr. FENTON. Yes, sir.

STATEMENT OF J. H. CREW, SUPERINTENDENT RAILWAY ADJUSTMENT, SECOND ASSISTANT POSTMASTER-GENERAL'S OFFICE.

The CHAIRMAN. Are you prepared to speak as to the first item on the bottom of page 63?

Mr. CREW. That comes from our office.

The CHAIRMAN. We want to ascertain from you, first, what proportion of this deficiency is intended to be applied to nonaided lines of the Pacific railroads.

Mr. CREW. We have eliminated all of the amount due the Pacific railroads in making this estimate. The figures which you see in Ex. Doc. 111 are \$25,717,244.07 after we have eliminated the Pacific railroads.

The CHAIRMAN. Was any portion of this \$1,265,000 intended to be paid to the nonaided lines?

Mr. CREW. We have eliminated that from our estimates. The question of paying comes from the Auditor's office.

The CHAIRMAN. Is all of this ascertained?

Mr. CREW. No, sir; there is an estimate here.

The CHAIRMAN. How much of this was expended up to the first of this month?

Mr. CREW. That is a matter for the Auditor's office.

Mr. HENDERSON. What is the basis of the estimate?

Mr. CREW. We have taken \$14,000 for 231.11 miles under the law. The other estimates were based on the equation of time running throughout the year.

The CHAIRMAN. Is it true or not that the Government is paying more for the transportation of the mails than the express companies are paying for a like amount of matter?

Mr. CREW. I would not like to venture an answer to that question as the matter has been up in the Department. It is a pretty broad question. This estimate is for transportation alone.

COMPENSATION OF POSTMASTERS.

STATEMENT OF ALBERT H. SCOTT, CHIEF OF DIVISION OF SALARIES AND ALLOWANCES, POST-OFFICE DEPARTMENT.

The CHAIRMAN. For compensation of postmasters there are two deficiencies reported—one for 1893 and the other for 1892. Are they ascertained deficiencies?

Mr. SCOTT. Yes, sir.

Mr. HENDERSON. What is meant by "amount retained by postmasters in excess of appropriations?"

Mr. SCOTT. Under existing laws postmasters are authorized to retain their compensation quarterly out of the receipts of the office, and the excess or deficiency over and above the appropriation is reported forward just as fast as it comes in. In other words, the postmasters pay themselves to a certain extent in advance of the full appropriation as made by Congress. This appropriation is one of the flexible items of the postal service.

Mr. HENDERSON. You can not anticipate in advance exactly what it is going to be.

Mr. SCOTT. This is the estimate furnished for 1893.

The CHAIRMAN. All I wanted to know was whether or not the deficiency in these two items is ascertained and whether they are due and unpaid.

Mr. SCOTT. The first is a deficiency for 1892 for postmasters' accounts when the deficiency was reported.

The CHAIRMAN. How is it as to the item for 1893?

Mr. SCOTT. That is brought up to date including the 1st of February, 1894. There may be some small items out yet.

I would like to say for Gen. Maxwell that, being unable to be present to-day (he was here yesterday), he asked me to call your attention to the item of \$65,000 reported on the 10th of February last for post-office inspectors and depredations.

The CHAIRMAN. How much of that appropriation was expended up to the 1st day of this month?

Mr. SCOTT. As I understand, there is no expenditure. That is a deficiency for that fiscal year reported for the betterment of the service for the balance of this fiscal year.

The CHAIRMAN. This is not a deficiency?

Mr. SCOTT. No sir. If it comes in at all it ought to be in the urgent deficiency bill.

Mr. HENDERSON. It is to enable him to put inspectors in the field.

Mr. SCOTT. It is to enable the Department to better the service.

Mr. LIVINGSTON. In what respect, to put on additional inspectors?

Mr. SCOTT. Yes, sir; the corps of inspectors, as now appointed under the reduced appropriations, is not large enough to meet the absolute demands of the service at this time.

Mr. CANNON. This is not a deficiency; and unless it goes on the urgent deficiency bill it will not be necessary anyway.

Mr. SCOTT. As I understand it, there was a special letter sent forward on the 10th of February in reference to this.

POST-OFFICE DEPARTMENT.

STATEMENT OF MR. J. B. BURNSIDES, CLERK IN DISBURSING CLERK'S OFFICE, POST-OFFICE DEPARTMENT.

The CHAIRMAN. You have, under miscellaneous items for 1893, \$40.47. Are those ascertained amounts?

Mr. BURNSIDES. Yes, sir; there are two. One for \$16.87, owing to the Star for advertising, and also one advertisement ordered by the Postmaster-General for bids for miscellaneous supplies. The other is the Chesapeake & Potomac Telephone Company for rent of wires for the last quarter of 1892. The bills presented are here.

The CHAIRMAN. Gas and electric lights to June 30, 1893, \$404.39.

Mr. BURNSIDES. That is an item of the Washington Gas Light Company. The bill for May was \$376.75, and the bill for June was \$220.50. Those are the two last months of the fiscal year which are unpaid; and the reason why they are unpaid is that at the time we moved into our new building, the Busch building, June 30, 1891, the gas appropriation was \$5,350, and it was increased to \$6,000; but in that year there was considerable delay in getting in the building, and we did not use very much of that appropriation, so it left a balance of \$908.43. With that before them the Committee on Appropriations reduced the amount to \$5,250. So that the first year we were short that much. This year there will be no shortage because by considerable care and economy we have been enabled to keep it down. That appropriation is now what it was before we moved into that building.

Mr. HENDERSON. That is an ascertained amount?

Mr. BURNSIDES. Yes, sir; and the receipted bills are here. I think there is an item here for fuel and repairs.

The CHAIRMAN. Is that an ascertained amount?

Mr. BURNSIDES. Yes, sir; we have always come close to the appropriation, and last year on account of extremely cold weather we purchased some fuel; and this is the bill of Mr. Warner. Under the contract for coal he furnished 30 tons.

PUBLIC BUILDINGS.

ADDITIONAL STATEMENT OF JEREMIAH O'ROURKE, SUPERVISING ARCHITECT.

The CHAIRMAN. We asked you on yesterday for certain information that was to be furnished simply in writing. If you have that information, we will be glad to receive it.

Mr. O'ROURKE. I have it here, taken in the order of your statement, giving the amount of the deficiency, and the reason for each, and I will submit the papers.

The CHAIRMAN. What do you say about the Chicago building?

Mr. O'ROURKE. That has been up before, and has always been rejected.

The CHAIRMAN. Your statement is called in question because of the discrepancy between your amounts and the amounts which appear on our bills. When you return to your office, will you please examine into the matter again, so that you will be able to verify what you say this morning?

Mr. O'ROURKE. Yes, sir. The book I have before me is not made out in this way. I will make a note of what you say.

Mr. CANNON. See whether the amounts submitted in Ex. Doc. 103, as to the liability of \$189.78 are correct. The estimate is different from the item for paving to which you refer in your statement.

Mr. O'ROURKE. I have it put down as an outstanding contract liability.

The CHAIRMAN. Have you a statement as to the post-office and court-house at El Paso?

Mr. O'ROURKE. Yes, sir. It is a three-story building. All buildings for which elevators are provided are three-stories high. No two-story buildings are provided with elevators. As to El Paso, the amount of outstanding liabilities is \$1,035. The deficiency of \$7,000 is to be expended in putting in an elevator in that building. As to Galveston, I would not ask a special appropriation for that building.

The CHAIRMAN. Why could you not ask for an elevator in the New York custom-house instead of Galveston?

Mr. O'ROURKE. That is true; but I think the reason is that we asked it for the New York custom-house first.

The CHAIRMAN. What are we to understand now about this Galveston building? If you are not going to provide for it, I want to tell Mr. Gresham so, and if you are, we want to strike it out.

Mr. O'ROURKE. I would say that you can strike it out, and I will try to get along.

The CHAIRMAN. Can you build it out of another fund? We would like to have you say yes or no.

Mr. O'ROURKE. Then I will say yes; but I have a delicacy about taking the bit in my teeth in these cases.

The CHAIRMAN. As to the public building at Lincoln, Nebr., on page 16, what have you to say?

Mr. O'ROURKE. That is the case where I want an elevator. It is similar to the case of Galveston.

The CHAIRMAN. Does that go out? Say yes or no.

Mr. O'ROURKE. Let it go out.

The CHAIRMAN. The next item is on page 14. Expenses incurred in sale of old building at Pittsburg.

Mr. CANNON. I talked with Gov. Gear about this, and he said that this advertising was done a second time, and also that the Government, by reason of the advertising, got \$100,000 more than they got at the first sale.

Mr. O'ROURKE. It was inserted 21 times, and the Government made over \$100,000 by it. May I be permitted to read a letter from Gov. McCreary, in reference to the Richmond, Ky., building?

The CHAIRMAN. Yes, sir.

Mr. O'ROURKE. There is no question about the wisdom of this appropriation; but of course I do not press it.

The CHAIRMAN. You do not recommend that?

Mr. O'ROURKE. O, yes. This is a very worthy case.

The letter was read as follows:

WASHINGTON, D. C., March 28, 1894.

DEAR SIR: I am informed that you will appear before the Committee on Appropriations to-day. The application for an increase of the amount appropriated for the construction of a public building at Richmond, Ky., was not made in time to be included in the list heretofore submitted to the Committee on Appropriations.

The Fifty-first Congress appropriated \$75,000 for the construction of a public building at Richmond, Ky., and the work is now in progress. The first story will be finished in a few days. Since the appropriation was made the U. S. circuit judge and the U. S. district judge have recommended, in writing, that U. S. courts be held at Richmond, Ky., and a bill has been reported unanimously by the Judicial Committee to the House of Representatives providing for the creation of a new district in the State of Kentucky. In this bill provision is made for the holding of U. S. courts at Richmond, Ky. I respectfully suggest that by the appropriation of \$20,000 more the public building at Richmond can be completed so as to provide suitable room for Federal courts, which are certain to be held at that place. I urge you to present this to the Committee on Appropriations.

Very respectfully, yours,

JAMES B. MCCREARY.

Hon. JEREMIAH O'ROURKE,
Supervising Architect, Washington, D. C.

Adjourned.

THURSDAY, April 15, 1894.

ABANDONED MILITARY RESERVATIONS.

STATEMENT OF MR. ERASTUS J. TURNER, ATTORNEY AT LAW

The CHAIRMAN. "Fort Hayes Military Reservation: To pay Simon Motz balance due for services as custodian, at \$60 per month, from October 25, 1889, to January 17, 1894, \$1,522.45;" now we will be glad to hear from you on that item.

Mr. TURNER. Well, I will occupy the attention of the committee but a very few moments. Fort Hayes Military Reservation lies in western Kansas and contains about 11,000 or 12,000 acres of valuable land, and there were about 50 dwellings upon the reservation when it was turned over from the War Department to the Interior Department. The land is bottom land and lies all the way along the creek, and on either side of the creek is a belt of valuable timber, hard-wood timber. The value of this property, of course, was such when it was turned over from the War Department to the Secretary of the Interior that it required a custodian and a watchman, but in accordance with the practice of the Interior Department, with which this committee is entirely familiar, the Secretary of the Interior was obliged to appoint a custodian without compensation, expecting, of course, as the custodian was assured, that Congress would make an appropriation to defray his salary. January or February, probably the January following, the people began to steal the timber, and this belt of timber must be 2 or 3, probably 3, miles in length, and he asked for a watchman and later on he asked for another.

I am told the report before the accounts division of the Interior Department states, and the chief of the accounts division tells me, that they guarded this property continuously. They made regular trips two and three times a day on horseback down the creek and back to protect the timber. They went down at all times in the night, or at different times in the night, and they protected the property absolutely.

They have done their duty. Now, in 1890 when this appropriation came up it was on the appropriation bill when it left the House and went over to the Senate, and Mr. Hale, I am told, raised the objection that some of these custodians were leasing some of the lands for grazing purposes and thereby receiving a revenue, and he fought any appropriation of any kind to pay any custodian. Finally there was a small amount, \$7,000 or \$8,000, appropriated in bulk for custodians. That was divided around and each got his share. Mr. Motz received some of that, but Nathaniel Robbins and William J. Sloan were watchmen and the chief of the accounts division held that they were not entitled to receive pay under that appropriation, and in all of the years they have received none of it, and so it has continued from year to year.

There was only at one time that the watchmen received anything, and that was probably last year when the appropriation was made, as I was told, to cover not only the salaries of the custodians, but to appropriate for surveys of these reservations. It was a full appropriation and there was a little balance left, and out of that they gave Nathaniel Robbins \$303.87. Now, Mr. Robbins was appointed January 30, 1890, and his length of service continued until January 30, 1894, and he received only \$303.87 for that entire service. William J. Sloan was appointed January 30, 1890, and served until June 14, 1892, and he received only \$303.87.

I was saying, however, when Mr. Hale raised this point, that custodians were receiving some revenue from the lease of lands on the reservations. The Secretary of the Interior addressed blanks to all of the custodians and demanded them to file a complete sworn statement of the amount of money that they had received, and I think a Mr. Davis out in Minnesota probably had received some revenue and he was the man who had been informed upon, and that was the cause of this action on the part of Senator Hale. After that monthly reports were required of the condition of the buildings and whether any revenues had been received or not. The reports received from the custodian of the Fort Hays Military Reservation show that not one single cent has been received. It is true that the watchmen lived in two houses belonging to the Government on the reservation, but that was essential, and Mr. Motz lived there a part of the time. It was an important reservation, with some fifty buildings and good officers' quarters and all that sort of thing.

Mr. CANNON. How many acres?

Mr. TURNER. Between 11,000 and 12,000 acres; the ground was worth about \$10 an acre.

The CHAIRMAN. We have received nothing in regard to this from the Department?

Mr. HENDERSON. How does this get here?

The CLERK. Through some papers filed by Mr. Broderick.

Mr. TURNER. I have asked the Department why they did not send it down, and they said they sent down in 1890 a complete statement of all these things, and they gave me a complete copy of it, and in the spring of 1891, as I say, Mr. Hale made a fight and had it knocked out, and they say that inasmuch as Congress knocked it out that they did not feel at liberty to keep putting it in.

Mr. CANNON. Whose Department is that, the Secretary of the Interior?

Mr. TURNER. The Secretary of the Interior.

Mr. CANNON. Who knows about this, the Commissioner of the Land Office?

Mr. TURNER. Yes, sir.

Mr. CANNON. Is he the officer who has special knowledge about it?

Mr. TURNER. The chief of accounts division has special knowledge, but of course he is under the Commissioner.

The CHAIRMAN. Why were not some efforts made in 1891, 1892, and 1893 to get this money?

Mr. TURNER. The same efforts were made then, except I did not come before the committee. We were assured then that it would be put on in the Senate. Senator Plumb was here in the spring of 1891 and he interested himself in regard to it, yet nevertheless Mr. Hale made a point upon it. Now, a letter addressed to the Commissioner of the General Land Office will result in exactly the statement which I have made to you in relation to this whole matter and he will recommend an appropriation, but he says that he has not continued to recommend the appropriation for the reason that Congress did not pay it in 1891 at the time the full statement was made of each man's claim.

The CHAIRMAN. Are these men there now?

Mr. TURNER. No, sir. On January 17, 1894, the successor to Mr. Motz, the custodian, was appointed.

The CHAIRMAN. Are any watchmen there?

Mr. TURNER. I suppose there is one watchman. Mr. Sloan went out June 14, 1892, and there was no successor appointed to him—no man would take it—so they have only one watchman since that time. Nathaniel Robbins resigned January 1, last, and Mr. Motz was succeeded January 17 of this year.

Mr. HENDERSON. You may have stated, but I was busy at the time. Who appointed these men?

Mr. TURNER. The Secretary of the Interior.

Mr. HENDERSON. On a fixed compensation?

Mr. TURNER. No, sir. You understand the law provides when the War Department is through with a military reservation the War Department turns it over to the Interior Department, and the Interior Department receives it and they have no standing appropriation so as to employ custodians to look after and take care of the property.

Mr. HENDERSON. These men were appointed to the positions and no appropriation was made?

Mr. TURNER. No, sir; the Secretary of the Interior, in order to protect the property, appointed these custodians and these watchmen, and there being no appropriation he had to appoint them without compensation.

Mr. HENDERSON. Did he indicate what amount they would receive?

Mr. TURNER. Yes, sir; watchmen always received \$60, and Mr. Motz was informed that he would receive as custodian \$75 a month.

Mr. HENDERSON. By whom?

Mr. TURNER. The Secretary of the Interior and Senator Plumb, but there is no written statement to that effect from the Secretary of the Interior; of course he could not do that.

Mr. HENDERSON. What is on this reservation to watch?

Mr. TURNER. Fifty buildings, officers' quarters, etc.

Mr. HENDERSON. All unoccupied?

Mr. TURNER. All unoccupied, and they were all valuable buildings.

Mr. HENDERSON. Were these three men on duty at the same time?

Mr. TURNER. Yes, sir; one custodian and two watchmen.

Mr. HENDERSON. Were they married men and had families there?

Mr. TURNER. Yes, sir.

Mr. HENDERSON. Did they cultivate any of the land on the reservation?

Mr. TURNER. No, sir; there was no land under cultivation.

Mr. HENDERSON. Did they have any income in any way?

Mr. TURNER. None whatever, as the reports filed with the Secretary of the Interior show.

Mr. HENDERSON. How did they live though all of these years?

Mr. TURNER. They simply ran in debt with the merchants for their groceries, beef, and all of that, expecting Congress to make an appropriation, which had always been done prior to that time, giving them \$60 a month.

Mr. CANNON. Is there any timber on this reservation?

Mr. TURNER. Yes, sir; extending the whole length, probably 3 miles. There are 11,000 or 12,000 acres of land which lies along the creek, and this belt of timber extends the entire distance and is valuable hard-wood timber.

Mr. HENDERSON. Did they make out regular vouchers and send to the Interior Department?

Mr. TURNER. They did.

Mr. HENDERSON. Are they on file?

Mr. TURNER. Yes, sir.

Mr. HENDERSON. They were sent in from time to time and not made out at the last and filed with the bill?

Mr. TURNER. No, sir; as I understand it they were sent continually, also a monthly report showing the status of the buildings, the conditions of the building; if one of them blew down, or anything like that, it was mentioned.

Mr. HENDERSON. Are the appointments filed with the Interior Department?

Mr. TURNER. Yes, sir.

Mr. HENDERSON. There is nothing of that kind with this committee, and I think it would be fair in this case for the chairman to address a communication to the Department in regard to these men.

Mr. CANNON. Their services on account of the timber, in the event there is much of it, is more important than the rest.

Mr. TURNER. I know these men personally, and they are of the middle age of life.

The CHAIRMAN. Admitting just what you state to be true, and I have no doubt that it is, it does seem to me at \$60 a month for those 2 men to be riding up and down simply 2 or 3 times a day is pretty good wages out there, and they had no right to appoint those men, anyhow.

Mr. TURNER. What would you do, allow the people to carry off the buildings and to steal the timber? The Secretary of the Interior is responsible for that property.

Mr. HENDERSON. When a laboring man gets an appointment from the Secretary of the Interior in a case of this kind, he does not know that he has no authority to appoint him.

Mr. TURNER. The appointment shows that they were appointed without compensation.

Mr. LIVINGSTON. Did I understand you to say that they were appointed without compensation and they understood it?

Mr. TURNER. Yes, sir; the appointment reads so.

Mr. LIVINGSTON. How were they to make a living; what perquisites did they get?

Mr. TURNER. The Secretary of the Interior has always recommended to Congress these facts.

Mr. LIVINGSTON. That is not the point. When these gentlemen accepted these positions they accepted them without compensation and you say it is so stated in the appointment?

Mr. TURNER. Yes, sir.

Mr. LIVINGSTON. What perquisites were they to live upon?

Mr. TURNER. They were assured by the members of Congress, both in the Senate and House, that they would receive \$60 a month, as custodians had always been paid in the past, and the precedents were absolutely invariable.

Mr. CANNON. I suppose that is so, because, there being no present appropriation for it, they could not be legally appointed with compensation in the absence of an appropriation, and the property needing a custodian, they were appointed without compensation because they had no power to appoint otherwise, and they expected the Government later on would give them adequate compensation.

Mr. TURNER. It was just exactly the condition, and the precedents are unlimited in relation to it.

Mr. HENDERSON. Had these same men named in this bill been employed on this reservation under the War Department?

Mr. TURNER. No, sir; they needed no employes under the War Department; troops were there until October, 1889.

Mr. HENDERSON. Where were these men living?

Mr. TURNER. In Hays City.

Mr. HENDERSON. On the reservation?

Mr. TURNER. No, sir; in the town a quarter of a mile away.

The CHAIRMAN. Did these men have any other occupation than attending to this reservation?

Mr. TURNER. No, sir; none whatever. They devoted all of their time to it.

The CHAIRMAN. They had no other business?

Mr. TURNER. No, sir; they were laboring men.

The CHAIRMAN. And now for four years they have worked there without getting a cent?

Mr. TURNER. That is what has been done, depending upon an appropriation. You remember that Senator Plumb ran things to suit himself as far as Kansas was concerned, I say that with perfect respect to everybody associated with him, and he stood by his friends, and whenever he told these men that he would see that this amount was appropriated, they set out and went to work just as I would have done.

Mr. HENDERSON. Why did not they get it put on in the Senate?

Mr. TURNER. It was sent over in the appropriation bill and Senator Plumb—I guess he was not on the conference committee, I do not think he was—but he said that he was assured that the appropriation would be made.

Mr. HENDERSON. What was this point that Senator Hale made?

Mr. TURNER. Senator Hale made the point that some of these custodians had leased a part of these reservations for grazing purposes, and hence were receiving some revenue. He had received, he said, letters to that effect. Now, that was investigated by the Secretary of the Interior by sending out blank reports and requiring them to report any compensation they had received, and after that I think they required them to make monthly reports. They found that these men had never received a cent.

Mr. LIVINGSTON. He had simply their own statements. He had no corroborative evidence that they had or had not?

Mr. TURNER. I did not know whether they required a sworn statement or not, but I know of the condition at Fort Hays and that there is no land there under fence at all; they could not lease land when it was lying out simply on the prairie.

Mr. CANNON. He said that the complaint was verified in one incidence up in Montana, where the custodian received something.

Mr. TURNER. The Commissioner told me a Mr. Davis, I think, at Fort Ripley, had received something.

The CHAIRMAN. Let me read to you. Here is all that was put on the deficiency bill in question, so there is some mistake. The Senate put this amendment on the bill of 1891: "For care and preservation of abandoned military reservations for the fiscal year 1890, \$10,800." The original amendment was \$10,340 and it was changed to \$10,800 in conference committee and it became a law, so there is a mistake.

Mr. TURNER. No.

The CHAIRMAN. It did not go out at all; it stayed in.

Mr. HENDERSON. Why did not they get their pay out of the \$10,800?

Mr. TURNER. There were so many custodians they had to divide it all around. Mr. Motz got his share, but that did not include watchmen, and hence the watchmen got nothing. Why, there were some—there must have some fourteen or fifteen different watchmen.

ASSISTANT CUSTODIANS AND JANITORS.

STATEMENT OF HON. J. H. OUTHWAITE, A REPRESENTATIVE FROM THE STATE OF OHIO.

Mr. OUTHWAITE. I would call the attention of the committee to the request for an appropriation for John Kilroy for thirty-nine days' service as engineer during the period from May 1 to June 8, 1889, at \$2.50 per diem, \$97.50, and John G. Malloy for thirty-nine days' service as fireman during the same period, at \$60 per month, \$78.

Mr. LIVINGSTON. At what point?

Mr. OUTHWAITE. At Columbus, Ohio. The employment occurred in this way: First, I will read you a letter from George S. Batcheller, assistant secretary to Custodian "Jones," U. S. court-house and post-office building, Columbus, Ohio, which is as follows:

TREASURY DEPARTMENT,
Washington, D. C., June 22, 1889.

SIR: Referring to your letter of the 13th instant, advising the Department that the services of John Kilroy, engineer, and John G. Malloy, fireman, whose terms of service expired by limitation April 30, 1889, were continued until the 8th instant, and asking that they be compensated for their services during the period between the two dates mentioned, you are advised that the reduced condition of the appropriation for "Pay of assistant custodians and janitors," will not, at present, warrant a compliance with your request. After the 30th instant, however, should there remain on hand an available balance of the appropriation, the matter will be reconsidered.

Respectfully, yours,

GEO. S. BATCHELLER,
Assistant Secretary.

Custodian JONES,

U. S. Court-House and Post-Office Building, Columbus, Ohio.

I will say I called after that date and I was informed there did not remain an available balance for Columbus, although there were some funds on hand which were distributed to other places.

The next is a copy of a letter from De Witt C. Jones to Frank E. Hayden. Jones had been custodian and Hayden became custodian.

COLUMBUS, OHIO, October 21, 1890.

MY DEAR SIR: On the 1st day of May, A. D. 1889, or rather on the day preceding that, in consequence of the rules and regulations of the Treasury for this latitude, the terms of services of John Kilroy, engineer, and John G. Malloy, fireman, in the building, expired; but the weather was so cold that all the departments in the building united in a request to the engineer and fireman to continue on until the temperature should change and make it possible to occupy the offices without heat.

The building was heated all night and every morning until June 4, before it seemed proper to close down the fires. They then closed out boilers, flues, etc., and prepared the machinery, valves, etc., for the season, and left the service on the evening of the 8th of June, 1889. Malloy's salary, \$60 per month, as fireman, and Kilroy's, \$2.50 per day, as engineer. This running over occurred once before, and the Department approved and ultimately paid.

The Department, in this case, was at once notified of the necessity of keeping up the fires and of the continuance of the men, and the responses you will find in the correspondence in your office. There is no doubt but that these men should be paid. They refused to leave their post because they were needed, and at the request of the occupants of the building they remained.

Very truly,

DE WITT C. JONES,
Late Custodian.

FRANK E. HAYDEN,

Custodian U. S. Court-House and Post-Office Building, Columbus, Ohio.

COLUMBUS, OHIO, October 22, 1890.

SIR: The inclosed letter of Mr. De Witt C. Jones, late custodian of this building, explains the situation, as it appears, relative to the compensation for John Kilroy, engineer, and John G. Malloy, fireman, who, as stated, performed services in this

building after their terms of service had expired, but, by reason of necessity, continued at their posts till June 8, 1889, and for which they ask compensation. By reference to Department letter of June 22, 1889, "M. R.," it appears that the condition of appropriation at that time did not warrant the expenditure, but states that the matter would be reconsidered in case funds were available.

The matter is respectfully submitted for instructions, with the hope that the pay may be allowed.

Respectfully, yours,

FRANK E. HAYDEN,
Custodian.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

[Copy of indorsement on Custodian Frank E. Hayden's letter of October 22, 1890.]

TREASURY DEPARTMENT, *October 29, 1890.*

Respectfully returned to the custodian of the U. S. court-house and post-office building at Columbus, Ohio, with the information that the regular appropriation "Pay of assistant custodian and janitors," 1889, is exhausted, and that no provision is made in the recent deficiency bill for the payment of persons who remained on duty after the expiration of their terms of service. The case of Messrs. Kilroy and Malloy was reported to Congress last spring, but no action was taken thereon.

GEORGE U. ROSS,
Acting Chief Appointing Division.

The CHAIRMAN. Were not they discharged before that by order of the Secretary of the Treasury?

Mr. OUTHWAITE. They were not discharged, their terms expired by limitation.

The CHAIRMAN. Mr. Hills up there, who has charge of this branch of the service at the Treasury Department, says: "I think those 2 men at Columbus were discharged by direction of the Secretary of the Treasury."

Mr. OUTHWAITE. In that he is mistaken. There is no such record.

Mr. HENDERSON. There was a general reduction at that time because of the appropriation.

Mr. OUTHWAITE. The appropriations were running low for this particular branch of the service, but their time expired by limitation.

Mr. HENDERSON. That is the same thing as if they had been discharged.

Mr. OUTHWAITE. This is the letter giving Malloy \$60 a month and Kilroy \$2.50 [referring to letter in his hand].

Let me say there are in that building, first the post-office, with a large number of employés; then the pension agent's office for the State of Ohio, with a large number of employés, many of whom are women; then the office of the internal revenue bureau; then the U. S. courts, and I think the U. S. courts were in session about this time, but perhaps not until June 8; then there is the office of the Railway Mail Service.

Mr. HENDERSON. And the clerk of the court and the U. S. marshal's office?

Mr. OUTHWAITE. They have their offices there.

Mr. HENDERSON. And the United States attorney, too, or his deputy?

Mr. OUTHWAITE. Yes, sir. Then comes the letter to the Secretary of the Treasury from Mr. Frank Hayden recommending the payment, which I will insert with the others.

Now, I am aware of the fact, because I had my attention called to it, that the season at Columbus was such as to require a fire in that building, and to be kept in all the other buildings of that kind, if people would maintain their health, up to the date of the 4th of June.

The CHAIRMAN. Why has this not been paid before; why has it been postponed for five years?

Mr. OUTHWAITE. I made an effort at that time, but could not get the payment. I took the matter up once subsequently and brought it to the attention of the committee; I did not appear before the committee but brought it to the attention of some member of the committee shortly after that. Again, upon the floor of the House I asked some one in charge of the bill to permit me to put these items in. There seemed to be a disposition not to put them in for some reason which was given to me that there would be quite a number of similar claims presented, etc., but I will confess that I have been somewhat negligent. I felt, after I had made these efforts and had failed, somewhat discouraged, but these men are poor men, and one of them has been out of employment for a long time, and he and his friends have been writing to me pitiful appeals to try to get what is due him by the Government, and that is what started me at this time.

Mr. HENDERSON. Did the custodian of the building ask him to continue?

Mr. OUTHWAITE. He did ask him to continue, and I know that the petition was signed by all of the employés of that building. The custodian asked them to remain and they remained.

The CHAIRMAN. We will take this under consideration.

OKLAHOMA, DEPUTY MARSHALS IN.

STATEMENT OF HON. DENNIS T. FLYNN, A DELEGATE FROM THE TERRITORY OF OKLAHOMA.

The CHAIRMAN. You are here for the purpose of getting pay for deputy marshals in Oklahoma?

Mr. FLYNN. Yes, sir; Congress appropriated \$20,000 for the pay of deputy marshals and that included services in Oklahoma Territory in 1889. We had no officers, and if you will remember during the year 1889 up to May, 1890, we had no law on earth. We were attached to the Kansas jurisdiction in criminal matters and the Kansas U. S. marshal had to look after it and we had no courts or anything of that kind, and he employed a lot of deputies. Congress appropriated \$20,000 to pay those deputies. Now, it did not take that entire amount. There was a balance left, I think, of about \$5,000 out of that \$20,000. When the Iowa and the Sac and Fox country was opened up in 1891 and 1892, the U. S. marshal of Oklahoma Territory was compelled to send a lot of deputy marshals over there to look after it. Their services amounted to \$1,542 and the Department asked the authority to take this \$1,542 out of the remaining balance of \$20,000 which was appropriated to pay these men. It gives the names of them and their services. I think there were about 30 of them.

The CHAIRMAN. The Department has ascertained the amount due each one of them?

Mr. FLYNN. Yes, sir; the entire amount, everything is published here with the service.

Now, in regard to Ex. Doc. No. 37, I presume you will want to hear me on that?

The CHAIRMAN. This is in regard to what?

Mr. FLYNN. The publication of the President's proclamation in the newspapers. It is for the Daily Times-Journal, the El Reno Eagle. One item is \$330.62—

The CHAIRMAN. Has the Wichita Eagle a bill?

Mr. FLYNN. No, sir; that has no bill here.

The CHAIRMAN. I think it has.

Mr. FLYNN. I am not before you except where the Department has recommended it and helped me out. The Wichita Eagle is in Kansas.

The CHAIRMAN. What newspapers do you represent?

Mr. FLYNN. I represent the Oklahoma papers.

The CHAIRMAN. What are they?

Mr. FLYNN. The Daily Times-Journal, Oklahoma, and the El Reno Eagle, Oklahoma.

Mr. LIVINGSTON. What are the two amounts.

Mr. FLYNN. One is for \$330.62, and the other is for \$555.20.

The CHAIRMAN. Let me read to you what the Secretary of the Interior says about that.

DEPARTMENT OF THE INTERIOR,
Washington, March 31, 1894.

SIR: In compliance with your verbal request of the chief clerk of the Department, I have the honor to transmit herewith copies of vouchers of certain newspapers for advertising proposals for supplies and publishing a schedule of lands in Oklahoma Territory opened to settlement, which vouchers were chargeable to appropriations that had become exhausted before they were presented for payment and have, therefore, been embraced in the deficiency estimates of this Department as shown in House Ex. Doc. 37, Fifty-third Congress, second session. I also send you herewith a statement showing the amounts which have been paid other newspapers for publishing schedules of lands in Oklahoma above referred to.

Of the bills for this service now presented to the committee I consider those of the St. Louis Globe-Democrat (\$324.90) and the Oklahoma Daily Times-Journal (\$330.62) fair, taking into consideration what has been paid other newspapers for similar service; but the price charged by the El Reno Eagle (\$555.20) seems excessive. This bill has hitherto been approved by the Department, but it does not meet my approval, and should, I think, be reduced to at least that claimed by the Daily Times-Journal (\$330.62).

Very respectfully,

HOKE SMITH,
Secretary.

HON. JOSEPH D. SAYERS,
Chairman Committee on Appropriations, House of Representatives.

Amounts paid for publishing schedule of lands and for opening Oklahoma Territory to settlement.

Date.	Publishers.	Lines.	Inser- tions.	Amount.
1891.				
Nov. 9	New York Tribune	900	2	\$540. 00
Dec. 3	Wichita Eagle	1, 057	6	634. 20
Dec. 7	St. Louis Globe-Democrat	1, 035	3	445. 05
1892.				
Jan. 12	Journal Publishing Company, Oklahoma	1, 231	6	400. 07
1891.				
Nov. 4	State Capital	1, 520	6	732. 00
Nov. 4	Guthrie Daily News	1, 215	6	336. 00
July 5	Kingfisher Free Press	2, 640	2	* 528. 00

* 20 per cent discount.

The CHAIRMAN. Now, you say you represent the daily Times-Journal?

Mr. FLYNN. Yes, sir.

The CHAIRMAN. Why should the El Reno Eagle receive \$555.20 and the Daily Times-Journal receive only \$330.62?

Mr. FLYNN. Probably I had better make a general statement as to how this happened, because our entire Territory is in this. There was a change in the instructions which the Secretary of the Interior issued in the opening of what is known as the Cheyenne and Arapahoe Reservation and the governor was authorized by the Secretary to make the necessary arrangement for the publication, etc. The governor goes to work and gets every paper in the Territory to publish the notice of these allotments, which was an enormous thing. It was a larger supplement than you find now issued by the Post and Star daily showing the tax list, because before the country could be opened they had to advertise so that all the people could know what lands were not open to settlement because they had been allotted to the Indians.

The papers set up this matter, and they had to send as far east as Kansas City to get typesetters to do the work to get it out on time. When they presented the bills the Department refused to allow the payment, but two or three fellows claimed that they had direct order properly approving the governor's orders to these papers to publish, but the governor had no authority to authorize the publication in all these papers, and as the papers had not received direct authority from the Department they would not pay them. Every one of the papers that made this publication published it in good faith, and the governor instructed them to publish it, and they published it under the impression that it was all right. Now the El Reno Eagle issued an extra edition of several thousand copies free for the purpose of getting these things out.

The CHAIRMAN. But the Government ought not to pay for the extra edition which they circulated.

Mr. FLYNN. I am going to do the best I can for them, as I think they should be paid. This man has been busted up. He went to work and sold this claim he had against the Government, and he has been foreclosed, and he is all busted up now.

Mr. CANNON. That is the El Reno bill?

Mr. FLYNN. Yes, sir, for \$555.

Mr. CANNON. And if you can not get \$550, you want \$362?

Mr. FLYNN. I do not think the Government ought to make a contract with the man to pay \$500 and let it run for two years and notify him that it is all right as soon as it has the money, and then when another administration comes in to notify him that it is reduced. If I agreed to pay—

The CHAIRMAN. Why did you not get this the last year?

Mr. FLYNN. It was, I understand, recommended last year.

The CHAIRMAN. Well, we will consider it.

Mr. FLYNN. There is another item in Ex. Doc. No. 122 in regard to Deputy Marshal Jones, of Oklahoma.

The CHAIRMAN. You have explained that.

Mr. FLYNN. There is a different explanation about that. Jones was a marshal under President Cleveland when that country was opened. The original appropriation stated "deputy marshals." Jones claimed additional expenses of going down there and caring for these fellows, buying tents, grub, etc.; the average deputy marshal in our country is not worth a dollar; if you send him 5 miles across the country you have got to give him money enough to get back before he goes. This man does not live in my district, but I had no interest in that other than I know the man. He is chairman of the Democratic State committee of Kansas, and he asked me to call attention to it, and I want to do it.

The CHAIRMAN. You say of Kansas?

Mr. FLYNN. Yes, sir.

Mr. HENDERSON. That was when Kansas had jurisdiction?

Mr. FLYNN. Yes, sir; and I say now he is chairman of the State Democratic committee of Kansas.

TUESDAY, April 10, 1894.

PACIFIC RAILROAD CLAIMS.

CLAIMS OF THE SOUTHERN PACIFIC COMPANY AND CENTRAL PACIFIC RAILROAD COMPANY.

STATEMENT OF JUDGE L. E. PAYSON.

The CHAIRMAN. Judge Payson, we will now hear you.

Judge PAYSON. I appear before you this morning in behalf of the Central Pacific Railroad Company and the Southern Pacific Company, which company is now the lessee of all the lines formerly operated by the Central Pacific Company—

The CHAIRMAN. You mean the Southern Pacific Company—

Judge PAYSON. Is the lessee of those lines.

The CHAIRMAN. And not the Central Pacific?

Judge PAYSON. No, sir; but I will make myself understood a little later.

The CHAIRMAN. Well, now, if it will not interrupt you, please state, if you can, what lines the Southern Pacific Company is the lessee of?

Judge PAYSON. Yes, sir; I have everything here in a map, which will give the members of the committee a bird's-eye view exactly of what the situation is, and if I may get at it a little methodically I will make myself thoroughly understood as to what the claims are, the lines of the road upon which they originate, exactly their status in the Department, the legal status as decided in the courts, etc. I hold in my hand Ex. Doc. No. 168 of this session of Congress, which shows the amount and character of these claims.

The aggregate upon what are known as the nonaided lines is \$3,947,799.31. Two million six hundred and fourteen thousand seven hundred and forty-seven dollars and thirty-two cents of this amount are in judgments against the United States, two of them in the Supreme Court of the United States and the third one by a judgment and consideration of the Court of Claims, which judgment is \$1,809,539.70, the record remaining still in the Court of Claims and not appealed from by the United States. To this amount still there are claims, not in judgments, but of the same character, which enter into the judgments to which I have referred, of \$1,359,898.82. This entire amount of claims to which I have called attention are claims, first, of the Central Pacific Railroad Company as a corporation and which originated before the lease of its lines to the Southern Pacific Company, which last-named company, the Southern Pacific Company, is now the lessee practically of the entire transportation system of California, Arizona, New Mexico, and the southern part of Texas.

The distinction, I take it, between the aided and nonaided lines of railroads is perhaps well understood by the members of the committee. It may not be out of place, however, to say what is known as aided lines of the Central Pacific road is such a portion of its lines as received a money subsidy from the General Government under the act of 1862 and 1864. Under that act there was a donation of lands, first in aid of its building, and secondly a loaning of the credit of the Government, so to speak, of a certain amount of money, \$16,000 per mile of a large portion, practically aggregating something like \$27,000,000. The aided line of road is 862 miles in length and is located between Ogden at the east and San Jose on the west.

I may say in the construction of this road the Union Pacific originally was planned as to its construction as a road east of Sacramento; Sacramento was the western terminal point. It was constructed to meet the Union Pacific building eastward, and by arrangement by the company, acquiesced in by the Government, and which I assume is pretty thoroughly understood, Ogden was made the meeting point. The original scheme was to build the Central Pacific from Sacramento to a point of junction with the Union Pacific, which was being built from the east westward. That original line of road was 737 miles in length. A little later the projectors of the enterprise, knowing San Francisco would necessarily be the terminal point of a great transcontinental line, purchased a line of road 123 miles long from Sacramento to an Jose. That was known as the Western Pacific Road and was also an aided line of road, and that is all of the entire system which is controlled at present by the

Southern Pacific Company which has ever received a dollar of aid from the General Government in money.

The CHAIRMAN. Extending from where?

Judge PAYSON. From Ogden to San Jose, which is a distance of 123 miles from Sacramento. We have a line of road into San Francisco from San Jose, a nonaided line of road.

The CHAIRMAN. What is the distance?

Judge PAYSON. I think it is 123 miles, about three or three and one-half hours' run. Now, the claims which are embraced in this large amount of money which I have named are for transportation services in all the various ways which are required by the General Government of this railroad company—post-office account, war supplies, Indian supplies, and all that sort of thing; any kind of Government transportation which is needed to be rendered by a railroad company to the Government has been furnished, and this amount aggregates what is now confessedly due from the United States to the railroad company, and the right of the railroad company to this compensation is not in question.

Mr. HENDERSON. Allow me to ask you right there, so as to be able to understand; there are about \$4,000,000 altogether?

Judge PAYSON. Yes, sir.

Mr. HENDERSON. Do I understand that is what this entire system has earned, or are you speaking of aided or nonaided?

Judge PAYSON. Entirely in reference to the nonaided lines.

Mr. HENDERSON. It does not include this point from Ogden to San Jose?

Judge PAYSON. Not a dollar. In Ex. Doc. No. 168, which is before you, by some inadvertence there was one item of transportation services down upon page 56 of the document, of \$26,846.83, that was included in this total amount of estimates in this document, which was services upon the Central Pacific upon the aided lines; but that I have subtracted in the figures I have given and should have been omitted and ought not to appear in the document, because the information which was sought and the subject-matter which you are now considering has reference simply and solely to services rendered by the different lines of roads comprising this system upon the nonaided lines of road.

Mr. HENDERSON. Does that amount appear in this footing of \$3,900,000?

Judge PAYSON. It does. It is a little more than that, except that I take \$26,000. The original amount there is \$3,974,648.14, but subtracting the \$26,846.83 leaves \$3,947,799.31. I made this subtraction and gave those figures at the outset so there might be no complication in regard to services on aided and nonaided lines. My object in presenting the matter as to the claims which are due the railroad companies is for services entirely upon the nonaided lines of roads. Of course I assume that the committee is familiar with the provisions, first in the act of Congress making the grant to the Central Pacific system and the Union Pacific as well of 1862 and 1864 and a subsequent act of 1878, known as the Thurman Act.

It may not be out of place, however, to say that under the original act of incorporation it was provided that 5 per cent of the net earnings of the railroads should be covered into the Treasury as a kind of sinking fund to meet the obligations of those bonds as they should mature and interest accruing upon them, and all of the transportation which should be rendered by the railroad companies to the Government, should be retained by the General Government as a part of the sinking fund. It was found after a very short experience that that amount of money and that proportion of transportation was very far from being sufficient to meet the necessities which would probably arise in the future at the maturity of this debt, so that the so-called Thurman Act was passed, which provided in substance, first, all transportation services which should be rendered by the railroad companies to the Government should be retained in the Treasury as against this maturing debt, and 25 per cent of their net earnings should also be retained to make a sinking fund to meet those obligations as they should mature.

In passing it may not be out of place to say as to the Central Pacific Railroad Company, the aided portion of its lines, there has never been a time from that day to this that every obligation of it to the General Government has not been performed to the very letter; they have never been in default in any way directly or indirectly, although time after time it has happened that the amount of transportation that they have rendered to the Government has not been equal to the 25 per cent of the net earnings of the railroad so that the provisions of the Thurman Act could not be complied with there, and therefore the General Government has called upon them to pay into the Treasury various amounts of cash from their treasury to make good the 25 per cent called for by the Thurman Act, and the company has paid every time they were required and every dollar required.

In one instance, to illustrate, to be exact, as will be seen by looking on page 4 of the report of the Commissioner of Railroads for 1884, the Government called upon them for \$1,284,264.44 in order to meet the requirements of the law in relation to

the sinking fund, and that amount of money was paid by them into the Treasury, when, at that very time, quite a large sum of money embraced in these very claims you are now considering, was due from the Government to them. The question would naturally be asked how it happens, then, that this large amount of claims, for it is a large amount of money, should have been in this unsatisfied and unliquidated condition. The explanation to it is this. It was not perfectly clear, in the judgment of a good many men who were connected with the Government in the early history of the Pacific railroad system, as to whether or not the Government was not entitled to the benefits of the provisions of the sinking fund, not only as to the aided lines, but as to the nonaided lines which should be operated by the Union Pacific and the Central Pacific systems, and in 1881 or 1882, a suit was brought against the Kansas Pacific road, which then formed, as now, a part of the Union Pacific system, to recover 5 per cent of the earnings of the nonaided portion of that road.

This raised the question as to the proper construction of the original act providing for the payment of a percentage of the net earnings of the Union Pacific road into the Treasury of the United States. That case was tried in the inferior courts and went to the Supreme Court of the United States, and it is found in the ninety-ninth volume of the United States Reports—and I may say in passing I did not bring those reports with me, because I assume that what I say in reference to what the Supreme Court has decided will be taken just as if I had read from the reports—but the report of the case will be found in the ninety-ninth volume of the United States Reports, page 455. In that particular case there were 393 miles of aided road and 245 miles of nonaided roads, and the Government sought to recover on that suit 5 per cent of the net earnings upon the 245 miles of nonaided road, exactly as it received and had paid into the Treasury in money, if there were not transportation enough to meet it, the 5 per cent from the aided lines.

The Supreme Court of the United States, upon full consideration and an exhaustive consideration (for that was the first time it had been presented), decided against the claim of the Government and held that the Government had no obligation or right under any form of construction upon a dollar of the income of the nonaided lines of the Union Pacific system, and whatever rights it had were restricted by the law to the aided lines of road. It was a common-sense view of the case and the Supreme Court of the United States has decided it was the law. Matters remained in abeyance then as to the question until sometime later when, as to the Central Pacific system, in 1885 the question was presented as to whether or not the Government was entitled to retain the full amount of compensation for transportation over nonaided lines as well as upon aided lines of roads of the Central Pacific system.

The Secretary of the Treasury did not make a formal decision with reference to the matter because the representatives of the Central Pacific Company at that time agreed—as there seemed to be a matter of some doubt in the Treasury Department and it was desired that this question should be settled once for all by the courts—if the Secretary of the Treasury would allow the matter to remain in abeyance simply in the Treasury Department for the amount then due, a sum of \$22,453.83, that the railroad company would not only not interpose any obstruction to a speedy determination of the question, but would bring suit and would in every way aid in having a speedy conclusion reached. That suit was brought on the 24th day of November, 1885, in the Court of Claims and it was decided for the plaintiff by the unanimous opinion of the court. It was appealed to the Supreme Court—

Mr. HENDERSON. Who was the plaintiff?

Judge PAYSON. The railroad company. The railroad company brought the suit for the amount of the claims and the General Government was the defendant. That suit was for \$22,453.83.

Mr. HENDERSON. That suit was for what?

Judge PAYSON. For the same services exactly upon nonaided lines which are under consideration before this committee to-day.

Mr. HENDERSON. I understood you to say a moment ago the proposition was that the Secretary of the Treasury should bring the suit?

Judge PAYSON. I did not make myself understood then. The Secretary of the Treasury agreed that he would not make a formal decision against us if we would bring suit against the General Government for the amount of those claims and press it for a speedy conclusion, and thereupon we brought suit. The first case between us and the General Government was on the 24th of November, 1885, for \$22,453.83, which is the judgment in case No. 14,711, referred to in this Ex. Doc. No. 168. It appears in this document now as amounting to \$1,113.31, which is the amount remaining unpaid ever since the rendition of that judgment. I think there have been various amounts paid, which leaves a balance now of that judgment of \$1,113.31.

Mr. HENDERSON. Just two questions: Was this case brought before the Court of Claims upon its merits or on a demurrer?

Judge PAYSON. It was brought upon its merits. The claim there set up and pleaded showed just exactly the legislation, the services performed, the lines of road upon which they had been performed, the fact that that line of road was not aided in any way by money or pledge of the Government, and the petition showed that the question desired to be presented there was as to whether the Government had the right to retain the whole or any part of this compensation in making provisions for the ultimate payment of the debt that would be due from the railroad to the General Government upon the maturity of this indebtedness.

The CHAIRMAN. I understood you to say that a portion of that judgment was paid?

Judge PAYSON. Yes, sir.

The CHAIRMAN. Did not the Fiftieth, Fifty-first, and Fifty-second Congresses, when application was made for the payment of these judgments, refuse to pay them?

Judge PAYSON. Yes, sir; that is my recollection, and I made that statement after a cursory examination of the last page of this showing the judgments.

The CHAIRMAN. How and when were these payments made, Congress refusing to make appropriations.

Judge PAYSON. I am in error as to the method by which that judgment of \$22,000 was reduced to \$1,113. I see, by referring to the summary of these recitals on page 57 of this document, instead of being by payments from the Government they are here included in case No. 15785, which was the second suit brought for some of the same claims which were in the first judgment.

The CHAIRMAN. On the contrary, Congress, in the Fiftieth, Fifty-first, and Fifty-second Congresses, refused to pay them?

Judge PAYSON. They did. The question as presented on several occasions, I am not clear in my recollection which Congress, but doubtless the chairman is right as to where this action was had, that although it has been reported on several occasions on a deficiency bill, perhaps—

The CHAIRMAN. It has never been upon an appropriation bill.

Judge PAYSON. It was offered as an amendment, perhaps, which was voted down by Congress. I have assumed, and that I know as a matter of personal recollection, that in either the Fiftieth or Fifty-first Congresses one reason strongly urged was that no provision should be made for the payment of any of those claims in an appropriation bill because of the pendency of a suit in the Court of Claims—to which I wish to advert more at length at a subsequent stage—that the matter was in litigation in the Court of Claims and it was not yet decided finally and the Government might have the right to retain this transportation, and therefore the amendment was voted down.

Of course argument was made as I remember, and doubtless the chairman of the committee remembers and also the members of the committee, that the railroad company, being in the future prospectively a large debtor to the Government, that in good conscience this amount of money might be properly retained in the Treasury. That I recollect was the general line of argument on the part of those who were opposed to the appropriation, and my recollection now is that the situation surrounding these claims was not fully understood by members of Congress when the bill was up, as I hope to make the members of the committee understand me at a little later stage of this discussion.

Pursuing chronologically the history of these transactions, that is the history of the first case. The Court of Claims decided by a unanimous opinion in favor of the railroad company for the amount of transportation. It was appealed to the Supreme Court of the United States, and on the 10th of May, 1886, in the opinion which was reported in 118th United States Reports, page 323, the judgment of the Court of Claims was affirmed by the full court, and without troubling you to read to you the opinion, a copy of which I have, however, in my hand, it is enough for me to say every claim made by the railroad company was affirmed by the Supreme Court of the United States, and in substance it was this: The right of the General Government to retain in the Treasury payment for transportation services is limited to the aided lines of the road of the Central Pacific system.

Mr. HENDERSON. Was that a unanimous decision?

Judge PAYSON. That was a unanimous decision of the Supreme Court of the United States.

Mr. HENDERSON. Was the case tried on its merits?

Judge PAYSON. Yes, sir. And the only question in it was this precise question. There was then another suit begun in 1887 by the Central Pacific Railroad Company for eight hundred and some odd thousand dollars for transportation services, and another amount in round numbers of about \$200,000 which the railroad company claimed had been improperly withheld from them under an improper construction of the statute as to what the net earnings of the road were.

It is not necessary to enter into a discussion of that question here. It is enough to say that the Court of Claims held with the railroad company for the amount of transportation of \$800,000, and found for the railroad company also on this over-

payment of, in round numbers, \$200,000. Both parties appealed, the United States and the railroad company as well, and it went to the Supreme Court, and that case was decided in October, 1890, and the decision is found in the one hundred and thirty-eighth volume of the Supreme Court Reports, p. 184. In that case it appears that the officers of the General Government formally agreed that judgment should go for the plaintiff for the amount of this transportation services, and the only question argued was as to the excess which the Court of Claims had found in our favor below of about \$200,000 in this improper construction of the statute as to what constituted the net earnings and whether a percentage of that had been properly retained, and the Supreme Court held against us as to that matter and affirmed the matter of the court below as to the transportation services. That judgment is the second judgment, and is case No. 15785, as appears in Ex. Doc. No. 168.

Matters remained in this condition and the Treasury Department still failed to pay, and the Harrison administration came in. I ought to say, however, that after the decision of the Supreme Court in the second case Mr. Fairchild, who was then Acting Secretary of the Treasury in the prior Cleveland administration, issued a circular, dated June 4, 1886, which reads as follows:

"The attention of accounting officers of the Treasury Department is invited to the decision of the Supreme Court of the United States, in the case of *The United States, appellants, v. The Central Pacific Railroad Company, respondents*, No. 1291, calendar October term, 1885, rendered May 10, 1886, as to the right of the Government to withhold and apply under the Thurman Act the compensation due the Central Pacific Railroad Company for transportation and other services for the Government over the nonaided portions of the lines owned, leased, or operated by such company, and hereafter the accounts and claims of the company for such services will be settled, adjusted, and paid in conformity to such decision.

"All Department circulars heretofore issued upon the subject are modified accordingly.

"C. S. FAIRCHILD,
"Acting Secretary."

If that circular had remained in force there never would have been any question of the claims for the same services since then, but not very long after that, and before any money was paid, the Harrison administration came in, and a gentleman connected with the Department of Justice got the idea that there was one question he regarded as vital in all of these claims of the Southern Pacific Company, and that a suit for the recovery of the claims of the Southern Pacific Company could be successfully resisted, which claim was this: The Southern Pacific Company has operated, under lease, various corporations in California, including the Central Pacific Railroad and different leases, including a lease in Texas, the exact mileage I have not, but it is something like 6,000 miles of railroad. It was thought by this gentleman connected with the Department of Justice that the leases of the Southern Pacific Railroad of these various lines in California was beyond the power, *ultra vires*, as the lawyers call it, of the different corporations which had entered into those leases and the whole thing was void and, therefore, the Southern Pacific had no right to claim for this transportation rendered to the Government; and he recommended that the matter be not paid, and it was not, and thereupon the third suit, which is referred to in Ex. Doc. No. 168, which is No. 16697—a suit of the Southern Pacific as against the Government for a million eight hundred and some odd thousand dollars.

My figures, I will say here, do not quite agree with those of this circular, and doubtless those in the Executive document are right. That case was very fully argued before the full court, and judgment was rendered on the 30th day of January of last year, by a unanimous court, adverse to the Government and in favor of the railroad company upon every question which was in it.

The CHAIRMAN. Before what court?

Judge PAYSON. Before the Court of Claims; first, upon the question of merit which followed the decisions of the Supreme Court. Upon the technical question of the want of power to incorporate, and all of that sort of thing, the Court of Claims decided that question could not be raised in this case, that the Government had got what it had contracted for, and that the road had performed what it had contracted to perform, and it did not lie in the province of the General Government to say a corporation which performed the services should not have pay for the services it performed.

Mr. HENDERSON. Something like a plea of estoppel?

Judge PAYSON. Yes, and that ended it. The matter was then canvassed, as I know personally, by the Attorney-General and the Secretary of the Treasury as to whether an appeal should be taken from that decision, and after a full consideration it was decided not to appeal the case.

The CHAIRMAN. Who was Secretary of the Treasury?

Judge PAYSON. I forget who was acting then, but the matter was canvassed by Attorney-General Miller, and the Secretary of the Treasury, and I think Solicitor-General Aldrich.

The CHAIRMAN. Mr. Foster was Secretary of the Treasury then, I think?

Judge PAYSON. I think it was Secretary Foster who acted.

Mr. HENDERSON. Has the time expired for perfecting an appeal?

Judge PAYSON. Yes, sir; it expired within thirty days. It was agreed to prepare a statement signed by the Secretary stating that he did not think the facts justified an appeal, and the law officers made a formal statement in court that no appeal would be taken. That was in January, 1893.

Mr. HENDERSON. Under that view taken by this gentleman connected with the Department of Justice the Fairchild circular had been suspended?

Judge PAYSON. Yes, sir; whether it was because of that opinion I am unable to state, but our people assumed that is the way.

Mr. HENDERSON. Was it suspended by the Secretary of the Treasury?

Judge PAYSON. That I do not know. They simply did not pay and we got no money. Of course the officers of the company do not run to the Treasury every day or two for money, but it was understood in a way there would have to be another suit, that the question had been raised by a distinguished gentleman, an excellent lawyer in the Department of Justice, and therefore they would not pay.

Mr. HENDERSON. You are not prepared to say there was a formal revocation?

Judge PAYSON. Not at all. I think it was simply nonaction, and it has remained so.

Mr. HENDERSON. Or rather an action bringing on litigation?

Judge PAYSON. Failing to pay to our people; the legal advisers of the Southern Pacific Railroad being advised of the decision of the Department of Justice acquiesced in by the Treasury Department brought suit.

Now, I hold in my hand, Mr. Chairman, a little railroad map which gives, in a comprehensive way, this system which we are talking about. All of these lines colored on this map commencing at Ogden represent lines under the control of the Southern Pacific, and the only aided line of roads is the blue line from Ogden to San Jose. That is the only aided road, and upon this entire road down to the Territorial lines between New Mexico and Texas, near El Paso del Norte, have those services been rendered. I will not go into the names of all these places, but you can see, in a comprehensive way on this map the great area covered by that railroad system which furnished this transportation for the Government and which has failed to receive anything from the Government. Of course the Government has this railroad company by the throat in a way under acts incorporating them, and they, being considered as land-grant roads, are compelled to furnish this transportation at reasonable rates.

Mr. HENDERSON. Are they compelled to furnish them over nonaided lines?

Judge PAYSON. I think so; because all nonaided lines practically, in California, are aided by land subsidies and not by money subsidies. The distinction between the aided and nonaided in this discussion and in the books is simply the line of road which has been assisted by a money contribution by the loan of bonds is called *aided*.

The CHAIRMAN. Then we understand you, when you speak of nonaided lines, you mean simply those nonaided—

Judge PAYSON. By a bond subsidy.

The CHAIRMAN. But these very lines of which you speak were aided by land grants?

Judge PAYSON. Most of them in California. There are few exceptions, but comparatively few, but these are not called "aided" lines.

Mr. HENDERSON. A land grant taken direct from the United States, or granted through the medium of the States?

Judge PAYSON. No; in all these cases the grant is direct to the corporation itself.

Mr. HENDERSON. Were there any conditions attending these grants?

Judge PAYSON. As to what?

Mr. HENDERSON. The right of the Government to withhold anything?

Judge PAYSON. Not a thing. All of these questions which have arisen and come up in this litigation have been where it has been insisted, by implication growing out of the relations between the General Government and the railroad company, that the General Government had the right to withhold this compensation. In that case, as I have said, it has always been decided adversely to the claims of the Government.

Mr. HENDERSON. Are these land grants of what you term nonaided lines absolute grants without conditions?

Judge PAYSON. They were absolute grants without conditions as to transportation except the agreement on the part of the company it would furnish such transportation at reasonable rates, and in that connection I may say there has never been any contention or friction between the executive officers of the Government and any line of the road as to the terms upon which transportation should be furnished and the rates which should be allowed for the service. This has always been amicably agreed upon.

Mr. HENDERSON. Or in regard to the period in which these roads were to be constructed?

Judge PAYSON. As to the Central Pacific that question was not only never raised, to which I will advert later—

Mr. HENDERSON. If you propose to touch upon that point later you need not stop now.

Judge PAYSON. I may as well say now, once for all, that the law making the grant provided the railroad should be constructed within a given period, the date I do not recollect, but it was constructed ready for operation more than seven years before the expiration of that time. There never was any question in regard to the construction of the Union Pacific or the Central Pacific, and under the acts of 1862-'64 both roads were constructed long years prior to the expiration of the time within which they were to be constructed.

Mr. HENDERSON. How as to the land-grant roads nonaided as to money?

Judge PAYSON. The Southern Pacific system was constructed, I believe, from San Francisco to Yuma, something like four years before the expiration of the time; from Mohave to the Needles, a line of road 241 miles, that was not constructed until sometime after the expiration of the time, but long before the Atlantic and Pacific, which was to meet it at the Needles, had got to that point.

Mr. HENDERSON. There has not been raised by the Government—

Judge PAYSON. Any of these questions at all, for in a general way it may be said that there is not laid to the charge of the Southern Pacific system or any part of the Southern Pacific system, and more especially of the Central Pacific, which was the direct beneficiary of the Government, a single item of default in any way whatsoever. I have never heard of it, as one of their legal advisers, nor have I read it in any of the debates of Congress. The road was constructed within the time; it was constructed in a way better than required by the agreement; it was accepted by the commissioners properly appointed by the President of the United States, and it has furnished transportation whenever required at such rates as mutually agreed upon and always satisfactory. Its service has been always prompt and there has never been a time when there was any deficiency of the 25 per cent net earnings over and above transportation which was furnished the Government that it has not always paid into the Treasury every dollar that has been demanded.

Now, then, recurring. These lines of road over which these services have been rendered mostly appear upon page 56 of Executive Document 168. There is the Southern Pacific Company, the Southern Pacific Railroad Company of California. That includes the line running to San Francisco up from Los Angeles, and to Yuma, on the Colorado lines, and from Mojave to the Needles. The entire mileage of those lines aggregate something like in round numbers 800 or 900 miles. Then there is the Southern Pacific Railroad of Arizona, running the entire width of Arizona, which has never had a dollar of money even talked in reference to it, or an acre of land, yet transportation services here aggregate more than half a million dollars in this document, and not a dollar of it has ever been paid. It never had a dollar of aid, either directly or indirectly, or an acre of land. Then there is the Southern Pacific Railroad in New Mexico, which is also a part of the Southern Pacific Company system, which runs through, as a general rule, east and west across the entire Territory of New Mexico. It never had a dollar in money or an acre of land grant from the Government. There is due for services upon it in these items of something over \$200,000 for transportation. There is the Northern Railway Company, a leased road in California, which never had a dollar of money or an acre of land. There is the Los Angeles and San Diego Railroad Company, which is in the same condition. There is the California Pacific Railroad Company, which never had a dollar, directly or indirectly, from the Government.

Mr. HENDERSON. That rather conflicts with the statement made earlier in your address, in which you said nearly all of the nonaided lines that had not received bonds or money had received land grants?

Judge PAYSON. I spoke of the system in California with some inconsequential exceptions in California, but in the South, in Texas, New Mexico, and Arizona, and some lines which are short and therefore inconsequential in California, they had no grants. None of them had money subsidy except the aid which was given on the line of road from Ogden to San Jose. There is the Stockton and Copperopolis Railroad which never received any aid, and so on.

The CHAIRMAN. If you are through I would like to ask you some questions. The Southern Pacific Company was chartered by the legislature of Kentucky?

Judge PAYSON. In 1885.

The CHAIRMAN. What relations did the owners of the stock of the Southern Pacific Company bear to the Central Pacific Company; were they not the same parties?

Judge PAYSON. They were the same parties. The Central Pacific Railroad was principally constructed, this is a matter of public history of the country, by four men, Huntington, Crocker, Hopkins, and Stanford, and the stockholders of the

Central Pacific system were the principal stockholders of the Southern Pacific Company; in other words, to anticipate what I think the chairman wants, the object and purpose of the organization of the Southern Pacific Company was to have under one hand and under one head and control the management of all the corporations which are now embraced within that system.

The CHAIRMAN. Now, I understood you to say that these four men, who own and control the Central Pacific Railroad by a charter from the State of Kentucky, organized the Central Pacific Company?

Judge PAYSON. Yes, sir; substantially.

The CHAIRMAN. And that the Southern Pacific Company stock was owned by those same men?

Judge PAYSON. Yes, substantially; there were some minor stockholders, but they are substantially the owners.

The CHAIRMAN. Now, in pursuance of the authority given them by the legislature of Kentucky as a corporation, they had control of the Central Pacific Company?

Judge PAYSON. Yes, sir.

The CHAIRMAN. And they then went on and got control of these other lines?

Judge PAYSON. They had full control of the organization, because the Southern Pacific Railroad Company had constructed practically the entire system, and since the organization of the Southern Pacific Company under its direction they have been acquiring some lines and perfecting some leases, and they have sought to secure water lines in and about New Orleans—Morgan's and some others.

The CHAIRMAN. In this connection—so we may have it put on record and save us some labor in case we have to investigate—when do the bonds mature of the Central Pacific?

Judge PAYSON. They commence to mature in 1895, one year from now. I have forgotten the years, but they commence to mature in 1895 and the amount of these bonds is about \$27,000,000; they are 30 year bonds, and the first issued in 1865.

The CHAIRMAN. Has not that Central Pacific Railroad, either through its officers or attorneys, informed Congress on two or three different occasions that it would not be able to meet its indebtedness when it matured?

Judge PAYSON. It has expressed that opinion.

The CHAIRMAN. And has it not further said that unless some further time was granted and a very low rate of interest, 2 per cent, it would not be able to meet the indebtedness due the Government?

Judge PAYSON. Yes, sir; the company has expressed that opinion. Mr. Huntington, the president of the company, has expressed the opinion, in view of the nearness of the maturing debt and situation of the times now, that in his judgment without some new arrangement they would not be able to meet the maturing indebtedness, but at the same time, under the bill which he has presented to some committee—probably the Committee on Pacific Railroads in the Senate—for an extension of this debt, he expressed the opinion not only of the absolute ability and entire willingness of those representing the Central Pacific system to see every dollar due the General Government was paid, not only on the basis of security, which the Government now has, but the additional security of some property which is controlled by the Southern Pacific system outside of the State of Texas, at all events, ample security.

The CHAIRMAN. Do I understand you to say that the Southern Pacific Company, in order to secure this debt provided the Government gives them time, is willing to give not only the original security of the Central Pacific Railroad itself but also to secure it by mortgages on all the Central Pacific Company's system except in Texas?

Judge PAYSON. I do not speak by authority, but my understanding is that the Southern Pacific Company is prepared to aid in securing this debt to the General Government if there can then be reasonable time allowed and an ordinary rate of interest which the Government pays upon bonded indebtedness. I do not state this by authority, but that is my understanding of the proposition proposed by Mr. Huntington, ample security on proper extension and low rate of interest.

Mr. HENDERSON. What is the amount of the debt now?

Judge PAYSON. The principal is \$27,000,000, and the net accrued interest, I think, amounts to about \$34,000,000 or \$35,000,000. I may be inaccurate in regard to the amount of it.

The CHAIRMAN. This is an interesting question, and you seem to have more information about it than anybody I have met. While it is not absolutely germane to the proposition before us, and I understand, without speaking by authority—

Judge PAYSON. Exactly.

The CHAIRMAN (continuing). Your opinion is that if the Central Pacific Railroad debt is extended at the same rate of interest the Government is borrowing money then the Southern Pacific Company will furnish additional security, by which the ultimate payment of the debt will be made absolutely certain?

Judge PAYSON. I have no more doubt than that I am now talking of it. As the

legal representative of the company in such matters as have been intrusted to my hands I speak with authority, but—of course what I say as to the extension and payment of this debt does not bind the company—my understanding is, and I have had frequent conversations with Mr. Huntington as their representative in the city of Washington, that he is not only desirous but he is anxious that the thing should be done, and I may say in behalf of Mr. Huntington, in conversation with myself and others when he was in a position that he need be nothing but absolutely candid in what he had to say, that he regards the Central Pacific Railroad construction and successful operation as a pet measure of his, and that so long as he lives no stain will attach to it on account of indebtedness; and that was the way it was viewed by Senator Stanford during his lifetime, for I have had several conversations with him in reference to the same subject.

The CHAIRMAN. Another question; my understanding of the condition of the indebtedness to the United States is this, that the Government of the United States only has a second mortgage upon the line between San Jose and Ogden?

Judge PAYSON. That is all. Perhaps you can understand it a little more clearly—

The CHAIRMAN. What is the amount of the first mortgage?

Judge PAYSON. Twenty-seven million dollars. I was going to state, so you will understand exactly the history of the legislation. When it came up before Congress and was crystallized into law, there was provided this subsidy of so much per mile for a certain section and more in the mountainous section of the country, and so on, the aggregate in round numbers being \$27,000,000, the United States had a first mortgage upon the line thus aided for the bonds thus advanced.

Then came an amendatory act passed later on, which provided that the railroad company should have authority to issue its bonds to the same amount of bonds that the Government had issued, which should be prior to the Government lien, be a first mortgage, so that the company's bonds are exactly equal in amount to the Government aid, and the Government's bonds under the amendatory legislation occupies the position of a second mortgage to the railroad company's bonds, which, by the act of Congress, are a first lien upon the road, so that, by ascertaining exactly what the number is of the Government bonded indebtedness, you have exactly the amount of the company's bonds.

The CHAIRMAN. Then the result would be if the Government failed to reach an understanding with the railroad in order to secure a clear title to the road free of incumbrance it would have to pay an additional amount equal to the present indebtedness?

Judge PAYSON. Equal to the amount of bonded indebtedness. Of course the Government would have to pay up the amount of the first mortgage in order to reach anything under its security.

Mr. HENDERSON. When did I understand you to say the bonded indebtedness to the Government would mature?

Judge PAYSON. In 1895, I think; about a year from now it begins to mature.

Mr. HENDERSON. What will be the amount of the debt due to the Government at that time, principal and interest?

Judge PAYSON. The principal and interest is something over \$60,000,000. I think it is about \$62,000,000 from the Central Pacific after legal deduction.

Mr. HENDERSON. I want to hear you on a question which I think has agitated Congress for some years. It seems to be settled by the highest tribunal of this country that the Government has no right to interfere with the earnings of the non-aided lines in its settlement with the Central Pacific, and inasmuch as \$60,000,000 in round numbers will be due in a short time to the Government and this sum amounting to about \$4,000,000 is due from the Government to the Central Pacific or Southern Pacific, Congress has felt heretofore it was justified in withholding the \$4,000,000, *vis armis*. I may say, because they see in the near future a large amount of indebtedness due which confessedly can not be paid by the company; therefore to protect the Government Congress refuses to pay this \$4,000,000. Now, I want to hear you on that question.

Judge PAYSON. First, of course, is the question of right. Whenever a railroad company, like an individual, earns anything it is entitled to what it earns. Railroad companies can only continue their operation by means of money which comes into their treasury, and of course in order for their earning power to be utilized it is important that they should be properly paid for the services they perform for the public. To make a particular application of this, it has been believed by those who are in control the Southern Pacific system that their earning capacity would be vastly increased if they could build a bridge over the Mississippi River at New Orleans. A bill has been passed permitting it, surveys have been made, the location of the bridge has been determined upon, and it was the intention of the operating officers of the company that a very large portion of this money which the Government owes should be put into the bridge across the Mississippi River, thus increasing their earning capacity and increasing the value of the property, for

everything they build they believe, and they are pretty careful managers, is worth more than—

Mr. LIVINGSTON. Let me disturb you right there—

Judge PAYSON. Is worth more than it costs in connection with that which they build, and the question of right—

Mr. LIVINGSTON. How can you speak of the question of right when you have accrued interest on these bonds in default?

Judge PAYSON. We have never paid it because under the law the Government was bound to wait till the maturity of the debt. We were under no obligation to pay a dollar of that interest or principal until the maturity of the debt, and the Supreme Court has decided that time and time again. Let me say that there is not a single obligation—I do not speak of the Union Pacific but of the Central Pacific—there is not a single obligation which, under the law, rests upon the Central Pacific system that has not been met, not one. Everything it has agreed to do with the General Government has not only been performed but performed before the time, and, as a marked illustration that they are willing to do more than they ought to have been asked to do when some of those very claims were in existence for transportation upon nonaided lines, when every court in the land having jurisdiction had decided always in favor of the railroad company, they paid \$1,225,000 in cash out of their treasury into the Treasury of the United States to keep up the requirements of the sinking fund.

Mr. HENDERSON. Now you have answered that very fully before and I would like for you to come to the broad question which is the battle ground of these claims?

Judge PAYSON. This question presents itself, whether or not the Congress of the United States simply because it has the power, because it is sovereign, should be permitted to do that which if done by any individual would shortly land him in a county jail. That is all there is to it. This money has been earned, every dollar of it has been earned and confessedly so. The auditing officers of the Treasury Department say in this executive document that there are nearly \$4,000,000 which the company is entitled to, and the only reason they do not pay it is because Congress has failed to make the appropriation. The subsidy debt is an indebtedness which was provided for by legislation in early days, but by experience in that sort of thing it turned out to be not as effective as those who proposed it thought it was going to be.

There is no question in my mind, nor has there ever been, for I had occasion to examine it when I was a member of Congress as well as since, there is no question in my mind that those who were engaged in this legislation in which this aid was given to this railroad company had fancied that 5 per cent of the net earnings of the railroad company and one-half of the transportation charges would make a sinking fund ample to meet all obligations. It ran for a few years, but it turned out that those men were mistaken. The matter has never been spoken of so far as my observation goes on the floor of the House as to the benefit the United States has received by reason of the construction of these roads in the reduction of charges on its transportation, not only mail but military. We were paying before this line was constructed millions of dollars, where we only pay thousands for the same amount of service now.

On an estimate made by some official of the railroad company, I think, before a Senate committee some years ago, he showed that, taking into account the rates being paid when this legislation was being matured and the amount of patronage which it thought would come to a great transcontinental line, it was thought there would be such a mass of business thrown upon it that the receipts would be perfectly enormous, but nobody thought then what occurred shortly afterwards would occur, namely, that shortly there would be provision to build three other transcontinental lines, thus dividing the transcontinental receipts between four lines instead of one, so, practically, at the time the Thurman Act was passed, the provision so the act of 1862-'64 were totally inadequate to meet the case, and therefore the Thurman Act was passed, that is to say, the entire transportation charges should be retained in the Treasury, and, in addition to that, 25 per cent instead of 5 per cent of the net earnings of the road should be paid into the Treasury as a sinking fund. Therefore, when the claim is made that because it is feared in the not very distant future that there would not be the ability on the part of the railroad company to meet this indebtedness to the General Government in a lump—and in that I share, I do not see how they can, in the situation of the country, with between 20 and 30 per cent of the entire systems of the United States in the hands of receivers, and more of them going—I do not see how they can do it, and I do not believe they could, but I do believe they can and will accept any reasonable proposition making the Government as safe as Government bonds now are at the ordinary rate of interest which the Government pays upon its obligations under the present condition of the money market. I think that Congress is not justified in doing what the courts say it has no right to do, and what each member of Congress will individually say legally

Congress has no right to do. It is simply the exercise of power against a corporation which is not derelict in the performance of any single duty imposed upon it by law in refusing to pay these claims.

The CHAIRMAN. Were these nonaided lines, for whose relief you are now speaking, built prior to the construction of the Central Pacific or after?

Judge PAYSON. All after, I think.

The CHAIRMAN. They were built and acquired by the same parties who built the Central Pacific?

Judge PAYSON. Yes, sir, built and acquired; some were constructed and some were purchased.

The CHAIRMAN. You said the Thurman Act, in addition to paying the interest due and the interest accruing thereafter, also required them to pay 25 per cent—

Judge PAYSON. No, you did not understand me. The Thurman Act required that there should be a determination, under the direction and practical control of the Commissioner of Railroads, of the amount of the net earnings of that system, and 25 per cent of those net earnings should be covered into the Treasury from the aided lines. I am speaking of the aided lines but they were not required to keep up the interest on the subsidy bonds.

The CHAIRMAN. I mean of the aided lines.

Judge PAYSON. And if the amount of the transportation which shall be performed upon the aided lines shall be less than 25 per cent of the net earnings, you understand me, then it would require a payment in cash from the railroad company into the Treasury to make that 25 per cent good; that is to say in determining what the net earnings are the Government transportation is included in transportation rendered for everybody else. Suppose the net earnings to be a million dollars; the amount of transportation to be rendered for the Government would have to be a quarter of a million of dollars, and if the amount of transportation rendered for the Government is only \$200,000, there is \$50,000 to make up the 25 per cent that has to be paid in money from the railroad company into the Treasury.

The CHAIRMAN. Has the company ever paid the interest?

Judge PAYSON. You are mistaken in figuring interest in here at all. The Thurman Act does not provide, nor does any other law provide, that the railroad company shall pay any interest upon the Government bonds until the maturity of its indebtedness. The Supreme Court decided in a case, I am not able to state from recollection, but where that very question was met, that there was nothing due either from the Union or Central Pacific until the maturity of the entire indebtedness.

The CHAIRMAN. Will you address me, as chairman of this committee, a communication citing the committee to the first act, and giving the page, so we can see readily the act incorporating the Central Pacific Road?

Judge PAYSON. I can give it to you now. It is the act of 1862.

The CHAIRMAN. I wish to have a history of the legislation?

Judge PAYSON. I will be glad to furnish it in a formal manner.

Mr. HENDERSON. Trace the acts affecting the Central Pacific system?

The CHAIRMAN. Give me the first act incorporating the Central Pacific Railroad, with a brief of its scope and purpose aiding these roads with land grants, etc. Then I want, secondly, the act which allowed this railroad company to borrow money and which placed the mortgage of the United States second to the other mortgage executed by the road. Then I want a further act, if there is an additional act, or the decision, if there is a decision of the court, which postponed the payment of interest on the debt until the maturity of the bonds?

Judge PAYSON. Very well.

The CHAIRMAN. Now, I understand you to say all of these nonaided lines, in whose behalf you appeared to-day, were either constructed or purchased by the same people who owned the Central Pacific Railroad and subsequent to the construction of the Central Pacific Railroad, and that these same people went to the legislature of Kentucky and obtained a charter for the Southern Pacific Company, and that the Southern Pacific Company has been operating the Central Pacific railroad and the Southern Pacific Railroad, and all of those other roads which have either been purchased or built by the owners of the Central Pacific Company?

Judge PAYSON. Yes, sir. Substantially the same.

Mr. HENDERSON. One other matter, because I am quite interested and we have gone into this thing more comprehensively than before, in order to bring up a question which has appeared in the discussion, as I am not clear as to what was done, and that is in relation to the idea that Governor Sayers brought out when he made clear from your answers that the same men owning the Central Pacific own the Southern Pacific. It has been stated that the funds derived from the sale of Government bonds for the construction of the Central Pacific were diverted by the management of the Central Pacific for the purchase of lines and for the construction of lines of the Southern Pacific system, and that therefore an equity arises affecting the whole Southern Pacific as an offset, or equitable offset, to the claims against the

Government for transportation, etc. Now, I want you to state whether that question has ever been investigated and decided in court, or in anyway adjudicated.

Judge PAYSON. I have in my hands some extracts, which I will look over, and I think I can answer finally.

Mr. HENDERSON. If you have not it in your mind now, will you please answer in this letter to be furnished Governor Sayers that we may have full information upon the question?

The CHAIRMAN. And charges are further made that not only were the proceeds of those bonds used, but also the proceeds of the land grants.

Mr. HENDERSON. Apply it to both.

Judge PAYSON. I will answer first in a general way and in the letter which I will prepare and send you. I will give you a citation of the book and page where you will find a brief of it. First, I will state that every dollar which the Government aided the Central Pacific system was used upon that road. The entire amount of both the bonds furnished by the Government, \$27,000,000, and the bonds issued by the railroad company, which were also \$27,000,000, was sold on the market for gold. At that time, if you remember, the currency of California and west of the Rocky Mountains was in gold. The official reports show that out of that amount of \$54,000,000 there was realized only forty odd millions—between \$40,000,000 and \$41,000,000 in gold. That had to stand the shaving; you understand as to that. So there was expended in cash on the Central Pacific system between \$42,000,000 and \$43,000,000 of cool cash in its construction before it commenced its practical operation. More money was expended upon this road than was realized from both sets of bonds. I will refer you to the book and page.

On the other question, as to the charge—it is a double-headed question—first, whether there have been any suits, and, second, whether there has been any diversion of money in the purchase of other lines, my recollection as to that—I had an extract under my hand of a report of the Pacific Railroad Commission of 1887—and my recollection is they went into that investigation very fully and reported finally that there was nothing of that kind true; that there was no diversion of the funds of the Central Pacific.

Mr. HENDERSON. Is there anything now in issue between the Government and the railroads?

Judge PAYSON. Not in the least, and has not been for years.

The CHAIRMAN. There is the further charge that the profits arising from this road, instead of going to pay that interest which is accrued, has been used either in the purchase or construction of these nonaided lines?

Judge PAYSON. You fall into this error there, you assume that it is the duty of the railroad company being aided by the Government to provide out of its treasury for this maturing interest as it accrues year by year. You are in error, because the law did not require that, and, secondly, the Supreme Court has decided the United States had no claim upon it and, therefore, the railroad had to do something with its profits and it put the profits, as I understand it, into the purchase and construction of other lines.

Mr. HENDERSON. Or they could have paid it over to the stockholders lawfully?

Judge PAYSON. Yes.

Mr. DOCKERY. I would like to ask you this: As I recollect, the original act of 1862 and the amendatory act of 1864 required the Central and Union Pacific railroad companies not only to construct a railroad line, but a telegraph line as well, and subsequent thereto, at a date I do not now recollect, both companies attempted to divest themselves of the telegraph franchise, and by virtue of a contract gave over to the Western Union Telegraph Company a monopoly of the telegraph franchise along their lines, and the terms of the contract, as I now remember, prohibited the construction of a telegraph line by any other telegraph company. In other words, those two companies gave to the Western Union Telegraph Company, in violation of their charters, a monopoly of the telegraphic franchise along their lines. Now, in 1884, or in 1886, I do not remember the exact date, Congress passed a law which required these railroad companies to execute that feature of the franchise which required them to maintain telegraph lines.

Judge PAYSON. Introduced, I think, by Mr. Anderson, of Kansas.

Mr. DOCKERY. And put through the House under my charge when I was a member of the Post-Office Committee. What has been done under that act?

Judge PAYSON. That is in litigation now. This may go upon the record or not, as you choose. Of course I am not authorized to say anything in regard to the details of that, but in a general way I know that matter is the subject of litigation now between the United States and the Central and Union Pacific railroad companies. brought, I think, in the U. S. circuit court at St. Louis, the railroad company insisting that the contract which they made with the Western Union Company was one they had the right to make, and grew out of the necessity of employing skilled employes at these stations, and all the various requirements of the tele-

graph company, which, together with the requirements of the railroad company, caused an inability on their part to maintain this telegraph line, and that matter is now in litigation, to be determined in the courts, whether or not they had the right to make the contract.

The CHAIRMAN. Are you in a position to answer this question? Is not the Southern Pacific Company really the party at interest, inasmuch as it has got control?

Judge PAYSON. That I am unable to say because I have no detailed knowledge of the litigation. I want to make myself perfectly understood and thoroughly candid, because I know, representing the officers of this company, in so far as I do in matters which come to my hands, and knowing their desire that nothing shall be concealed in reference to their transactions with the Government, I know simply this with regard to the telegraph litigation. The railroad officers insist that what they did they had the right to do, and it is being litigated in the courts, and whether the Pacific Company as a corporation is directly interested would be a matter of inference in this. The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know, but I should say practically it does not make any difference what the contract is because substantially the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another of the same man's clothes.

Mr. DOCKERY. Has any court passed upon its validity?

Judge PAYSON. It is pending in the U. S. court, of the court meeting, I think, in St. Louis, but whether I am right in which court it is, I am right in this that the matter is pending upon issues which have been made, and a trial recently had resulting in favor of the railroad and appealed by the United States to the Supreme Court.

Mr. HENDERSON. When did this litigation begin?

Judge PAYSON. I should say two years ago.

Mr. DOCKERY. I think the act passed in 1886.

The CHAIRMAN. We are very much obliged to you; your answers have been very full and very clear.

WASHINGTON, D. C., April 17, 1894.

Mr. CHAIRMAN: Pursuant to promise made you on the hearing of your committee of the claims of the Central Pacific Railroad Company and the Southern Pacific Company for transportation services on their *non aided* lines, I send you this résumé of legislation and adjudication as to the same:

The act of July 1, 1862, 12 Stats., 489, granted the land and bond subsidy aid to the Central Pacific Railroad Company, and by section 5 the United States was to have a first lien on the road and appurtenances for the bond subsidy thus provided for.

By section 6 all compensation for transportation was to be retained by the United States and applied to the payment of the bonds; also 5 per cent of the net earnings of the road for the same purpose.

The amendatory act of July 2, 1864, 13 Stats., 356, authorized (in section 10) the railroad company to issue its first-mortgage bonds to an amount equal to the subsidy bonds of the Government, and provided "that the lien of the United States bonds shall be subordinate to that of the bonds of said company hereby authorized," etc.

Section 5 provided that only *one-half* of transportation services should be retained to apply on bond indebtedness.

The act of March 3, 1873, 17 Stats., 508, provided, that *all* transportation services should be applied to payment of bonds.

The act of May 7, 1878, 20 Stats., 56 (Thurman Act), provided, that *all* transportation services should be retained to apply on payment of the bond indebtedness, and 25 per cent of the *net earnings* of the road should be paid to go into a sinking fund to meet the debt, etc.

The bonds, as subsidy, were 30-year 6 per cent bonds, and their issue began, to the Central Pacific Railroad Company, January 16, 1865, and ended November 28, 1869, in all, \$25,885,120.

To the Western Pacific, the line from San José to Sacramento, 123 miles there have been issued \$1,970,560 of bonds, beginning January 26, 1867, and ending January 22, 1872.

You will remember that I stated that none of this legislation, in express terms, states when the interest shall be repaid to the United States.

In the United States *v.* Union Pacific Railroad Company (91 U. S. Rep., 72) the Supreme Court decided that the company is obliged to pay the bonds *at maturity*; that the words "at maturity" mean at the maturity of the bonds—when the principal falls due—and do not require the company to pay each installment of interest as

it falls due, and that there is no obligation on the part of the company to refund the interest until the maturity of the debt.

In *United States v. Kansas Pacific Railroad Company* (99 U. S., 455) held, that the Government is only entitled to share of net earnings on *subsidy aided* lines.

The case of *United States v. Central Pacific Railroad Company* (118 U. S., 235, decided May 10, 1886) is a broad, thoroughly considered case. Held, the compensation for services to be applied to the payment of the subsidy bonds is limited to compensation for services rendered by the bond-aided lines, and to such parts only as have been assisted by the bond subsidy.

All the authorities are collated and cited in the opinion in this case.

The validity of our claims before you is established in the cases I cited on the hearing, viz, 118 U. S., 323; 138 U. S., 84; and decision of the Court of Claims January 30, 1893, not appealed from.

The report of the Pacific Railroad commission of 1887, shows fully that there have been no improper diversion of funds by the Central Pacific Company, and that every legal requirement has been met and satisfied; that no dividends have been paid in violation of law, p. 111; no diversion of earnings through constructive mileage accounts.

I think this covers the inquiries you made, and it is respectfully submitted.

L. E. PAYSON,

Of Counsel for Southern Pacific Company and Central Pacific Railroad Company.

Hon. J. D. SAYRES,

Chairman Committee on Appropriations, House of Representatives.

U. S. CONSULATES' CONTINGENT EXPENSES, 1893.

DEPARTMENT OF STATE,

Washington, April 7, 1894.

SIR: I have the honor to inclose herewith, in pursuance of the request of your committee, a detailed statement of the contingent expenses of consulates for the fiscal year 1893.

I have the honor to be, sir, your obedient servant,

EDWIN F. UHL,

Acting Secretary.

Hon. J. D. SAYERS,

*Chairman Subcommittee on Deficiency Appropriations,
House of Representatives.*

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Itemized statement of the amount expended for contingent expenses, U. S. consulates, etc.—Continued.

[illegible]

Guelph.....	175.00	26.12	18.30	4.50	40.00	4.00	223.42
Halifax.....	352.00	113.19	285.70	45.51	35.72	11.34	795.39
Hamburg.....	500.00	279.46	336.61				1,208.54
Hamilton, Ontario.....	400.00	60.35	41.95				501.70
Hankow.....	600.00	20.00	48.18	1.00		242.52	981.66
Havana.....	1,200.00	349.18	973.82	198.84		1,527.13	4,249.07
Havre.....	400.00	71.47	89.80			48.29	609.36
Helsingfors.....		15.00	14.47				29.47
Hobart.....		6.89				4.42	11.31
Hongkong.....	999.75	62.25	156.39	32.25		7.31	1,497.95
Honolulu.....	800.00	96.85	103.80	15.75	75.00	10.75	1,107.70
Horgen.....	200.00	88.01	105.74	6.36	20.22	3.47	1,423.80
Huddersfield.....	500.00	22.98	113.40			.20	636.67
Hull.....		81.16	168.34				249.50
Iquique.....		41.11	59.42				100.53
Jerusalem.....	280.00	57.00	12.25			21.40	370.65
Kanagawa.....	800.00	293.89	384.46			40.00	1,813.95
Kah.....	142.80	52.74	95.04	33.23		5.67	1,813.95
Kingston, Jamaica.....	573.78	218.70	358.77	33.70	72.48	15.75	382.88
Kingston, Ontario.....	300.00	31.57	34.30			115.95	1,584.42
La Guayra.....	300.00	13.57	51.95	1.35		3.75	369.62
La Paz.....		9.05				634.94	634.94
Leeds.....	194.66	12.17	75.58			7.99	17.04
Leghorn.....	300.00	295.42	149.37			16	582.57
Legue.....	400.00	196.90	126.51	4.25	28.95	22.90	1,210.80
Leith.....	450.00	110.57	102.63		83.00	44.64	1,095.30
Levuka.....		18.06		14.60		30.96	694.16
Lige.....	202.03	199.01	55.71		9.17	4.13	36.79
Lingoes.....		113.57	10.58		25.86	40.55	536.47
Lindsay.....		4.75	.65			.78	180.77
Lisbon.....		4.95					7.40
Liverpool.....	1,000.00	199.77	522.83	19.58		231.01	2,763.13
London.....	1,000.00	574.10	1,624.60	11.56	41.30	572.37	4,181.22
London, Ontario.....	300.00	44.00	42.25	2.25	136.55		378.50
Lyons.....	500.00	438.90	499.29	162.03	118.54	8.91	1,721.67
Madrid.....							
Magdeburg.....	324.00	45.74	22.32				462.96
Maha.....	392.00	76.58	86.72	.50		26.13	483.68
Maha.....	300.00	56.85	22.55			5.68	400.49
Managua.....	300.00	21.57	92.15	6.50		3.95	338.11
Manila.....	300.00	427.77	521.74	36.52	15.92	38.12	2,159.99
Manila.....	400.00	427.42	148.67			10.00	539.99
Manheim.....	300.00	65.60	114.06				509.66
Marcabo.....	400.00	200.00	151.50			157.75	1,006.45
Marseilles.....	400.00	222.87	68.36	13.66	19.97	36.52	933.76
Martinique.....	180.00	12.45	1.30	8.60		31.79	234.14
Maskat.....		13.20	39.00			160.43	212.09
Matamoros.....	300.00	90.49	19.07		6.70	11.36	434.25
Matanzas.....	600.00	76.36	56.3	28.13		9.30	781.09

* Statistics, \$120.

† Chinese writer, \$180.

‡ Boat hire, \$496.82; telegrams, \$303.39; cab hire and petty expenses, \$708.23.

§ Price lists, \$299.72; statistics, \$200; hack hire, \$122.58.

Itemized statement of the amount expended for contingent expenses, U. S. consulates, etc.—Continued.

Consulates.	Rent.	Postage.	Stationery.	News-papers.	Furniture.	Traveling expenses.	Fuel and lights.	Telephones.	Messenger service.	Telegrams, statistics, freight seals, presses, flags, boats, Chinese writers, etc.	Total.
Mayence.....	\$130.40	\$58.15		\$7.60	\$52.50		\$14.08			\$4.61	\$289.60
Mazatlan.....		30.35	37.63							23.79	174.27
Medellin.....											
Melbourne.....	638.96	150.02	146.19							144.81	1,070.98
Merida.....	200.00	126.07	40.00							20.23	366.07
Messina.....	300.00	132.82	132.82	3.58			2.40			21.08	681.01
Mexico.....	800.00	37.84	5.39	32.22	25.00		14.64			5.43	936.17
Milan.....	260.00	81.10	49.87	5.01	1.06		96.82			2.45	499.39
Moncton.....		49.28	92.80				29.18				173.71
Munrovia.....											
Montevideo.....	600.00	103.90	58.96								762.86
Montreal.....	650.00	133.00	64.15	12.00	1.15		3.16			74.59	938.05
Morristburg.....	300.00	15.96	29.05		155.50		25.96			1.12	527.59
Moscow.....		44.45	6.93								51.38
Mozambique.....		17.67	1.33							6.39	25.39
Munich.....	300.00	53.52	74.58	19.06			24.48			2.54	474.18
Nagasaki.....	600.00	47.11	33.10							41.62	721.23
Nantes.....		56.18	76.39			\$40.73				67.90	241.20
Naples.....	300.00	116.34	140.84							13.51	570.79
Nassau.....	250.00	72.04	79.00	6.00	10.25					35.20	452.49
Newcastle, New South Wales.....		118.80	7.04	12.50	3.58		1.19			25.63	188.74
Newcastle, England.....	243.32	126.00	185.71	6.32						17.28	580.63
New Chwang.....										180.00	180.00
Nice.....	300.00	56.78	5.79							68	363.25
Ningpo.....	353.43	19.42	20.20	29.36						*203.55	635.96
Norfolk.....	300.00	6.15	30.07		19.90		21.42			96.25	473.79
Nottingham.....	500.00	404.92	190.13								1,095.05
Noumea.....											
Nuevitas.....											
Nuevo Laredo.....	500.00	173.76	89.52	4.00	35.40		62.64	\$108.00		1279.11	1,252.43
Nuremberg.....	476.00	48.79	62.08		2.57		41.83			3.94	635.21
Odesa.....	400.00	149.00	100.45	13.58			100.30			46.71	899.74
Osaka and Higo.....		182.93	143.96	34.97						39.01	980.87
Ottawa.....	600.00	145.06	125.87	5.00			100.00	40.00	\$400.00	145.73	1,571.66
Peking.....		31.80									31.80
Palermo.....	385.00	114.95	212.47	6.65						21.60	740.67
Palmerston.....		56.10	79.77	4.00	1.20					13.80	154.87
Panama.....	800.00	114.90	19.80	18.00						1263.44	1,215.24
Para.....	300.00	92.85	65.70	13.00						59.83	531.36

Paramaribo	16.63	5.10	14.08	5.95	21.04	107.25	72.00	19.94	47.62
Paris	963.03	1,086.13	56.10					\$413.72	3,248.90
Paso del Norte	500.00	34.40	7.77					208.45	1,012.20
Parras	21.23	6.23	6.34					23.00	23.00
Paysandú	85.24	62.70						6.04	350.77
Pernambuco	146.23	85.24	30.00					50.26	368.02
Pictou	293.82	24.45	86.65	18.91	10.82	28.95	60.00	8.93	792.24
Piedras Negras	400.00	105.89	102.05			205.00		91.84	425.10
Platen	85.38	102.05						36.67	
Plymouth									
Port au Prince									
Port Louis	300.00	16.50	12.00					46.11	374.61
Port Sarnia	300.00	27.04	4.83			31.88	25.25	403.43	226.40
Port Stanley and St. Thomas	150.00	50.75	10.90	4.00		10.00		75	
Port Stanley, Falkland Islands									
Port Hope	296.00	80.00						31.10	407.10
Port Rowan	250.00	26.65	32.25					208.90	18.90
Prague	6.99	11.10	6.17					81	
Prescott	600.05	51.91	121.92	6.75		50.75		130.80	363.80
Puerto Cabello	300.00	12.05	2.75			42.25		306.25	21.02
Puerto Plata	288.00	2.15	.80					15.30	523.36
Quebec	8.67	95.75	8.33	6.65				24.50	894.20
Reichenberg	280.00	116.46	205.02	36.40				12.15	1,300.34
Rheims	370.00	207.73	110.44	33.58	30.89	96.57		41.86	
Riga									
Rio Grande do Sul	13.36	10.55	2.70					9.42	33.33
Rio de Janeiro	1,000.00	155.01	123.30	3.86				22.29	1,327.60
Rome	600.00	209.82	284.19		131.00			24.30	1,830.59
Rosario								272.00	
Rotterdam	400.00	281.18	309.81	33.10					
Roubaix	217.51	63.34	1.74			102.94		184.53	1,291.56
Rouen	435.68	257.29				90.53		20.13	301.57
Ruatan	63.10	25.39						15.92	801.16
Sagua la Grande	360.00	36.90					25.39	63.10	400.13
Saigon								12.45	
Saltillo									
Samana	20.54	30.00						31.12	81.66
San Blas									
San Domingo	300.00	55.19							
San José, Costa Rica	400.00	152.00	155.25	9.50		4.50		173.70	368.69
San Juan de los Remedios		26.80	30.73	50.00		26.60		134.11	890.43
San Juan del Norte	400.00	45.28	5.77	2.67				516.82	134.11
San Juan, Puerto Rico	400.00	87.67	27.70	14.75		51.79		63.10	516.82
San Salvador	397.35	45.77	33.41					745.63	712.45
Santander									
Santiago, Cape Verde Islands									
Santiago de Cuba	431.00	14.79	17.35					14.79	14.79
Santos	300.00	50.12	24.97	26.50		2.40		14.08	523.63
		35.46	5.00					143.04	537.37

|| Care of office, \$237.81; statistics, \$57.90.

† Telegrams, \$259.22.

‡ Statistics, \$375.

* Chinese writer, \$180.

† Care of office, \$180; telegrams, \$55.74.

Itemized statement of the amount expended for contingent expenses, U. S. consulates, etc.—Continued.

Consulates.	Rent.	Postage.	Stationery.	News-papers.	Furniture.	Traveling expenses.	Fuel and lights.	Telephones.	Messenger service.	Telegrams, statistics, freight, seals, presses, flags, boats, Chinese writers, etc.	Total.
Sault Ste. Marie.		\$32.00	\$63.50		\$52.50		\$30.00			\$22.50	\$200.50
Seoul.			237.52	\$51.41	120.00	\$165.70	76.93	\$47.36	\$360.00	\$1,009.07	3,266.58
Shanghai.	\$1,600.00	198.59	40.37							5.75	614.90
Sheffield.	500.00	74.53	42.00							3.50	415.75
Sherbrooke.	200.00	108.00	20.22							85.62	63.28
Sierra Leone.		39.56	20.22		2.45					7.04	955.75
Singapore.	506.95	136.66	190.94	33.13	48.72					60.58	248.51
Sivas.	176.00	14.87	88				17.60			112.75	538.75
Smyrna.	392.04	51.02	17.51				33.20			237.47	599.43
Sonneberg.	250.00	80.97	122.51		209.68						1,070.78
Southampton.	271.67	20.88	331.08								
St. Bartholomew.											
St. Christopher.		29.78	7.90	4.20					400.00	21.08	462.80
St. Etienne.	253.70	106.53	136.00		3.47	30.75	6.39			2.80	599.54
St. Gall.	400.00	123.95	241.58	19.32	14.25			38.73		14.57	852.40
St. Georges.		10.26		2.40	3.36					1.96	17.98
St. Helena.	250.00	52.65	13.75		2.50		1.50			32.30	352.70
St. Hyacinthe.		75.00								3.75	114.70
St. Johns, New Brunswick.	400.00	183.83	251.30		13.45		25.22		240.00		1,113.90
St. Johns, Quebec.	200.00	24.70	25.00							249.76	249.76
St. Johns, Newfoundland.		55.06	67.88		135.00					154.89	412.83
St. Martin.											
St. Pierre.		10.25	17.50								27.75
St. Petersburg.	600.00	215.23	160.35	11.28	26.72		183.47			94.83	1,291.98
St. Stephen.		13.72	35.56							9.13	258.41
St. Thomas.	240.00	90.35	76.73	4.00						16.84	427.92
Stanbridge.		3.00	15.00								18.00
Stettin.		38.72	12.84		1.55		17.73			49.59	120.43
Stockholm.	300.00	126.44	68.68	19.74					150.00	21.15	680.01
Stratford.		17.25						12.50			254.80
Stuttgart.	200.00	25.05	172.00	96.71						28.91	831.25
Swansea.	385.00	132.33	157.05	1.65	24.33					19.37	334.63
Sydney.		143.11	122.94	29.92						267.36	979.78
Tahiti.	400.00	12.50	7.90		2.27				16.45		90.30
Takahama.		33.65								15.00	56.15
Tamatave.	400.00	16.94	8.00		9.80					62.61	497.35
Tampico.	300.00	48.50	10.65		2.20	26.58	2.75			99.59	490.27
Tanger.		20.24	35.94						72.00		174.73
Tegucigalpa.							23.64			63.70	594.89
Tehran.	400.00	74.14	11.54	21.87							

Teneriffe	12.85	5.80	6.40	34.58	74.32	0.90	25.95
Three Rivers	157.42	52.24			15.70		390.01
Tien-Tsin	700.00	162.03	4.22		113.43	\$243.07	1,314.43
Toronto	360.00	65.00		1.00			505.85
Trieste	275.19	24.91				3.84	461.31
Trinidad	64.07	57.57					285.06
Trinidad	201.54	99.47	.24	7.48	48.66	123.80	995.88
Tunstaff	472.04	235.81				37.83	226.25
Turin	30.40	34.35			147.48	14.02	24.47
Turks Island	11.85	10.62				2.00	41.54
Tuxpan	1.25					41.54	598.58
Valparaiso	118.18	96.53	8.00		2.13	53.81	
Vancouver	319.93						
Venice	27.92	45.22		6.48		2.45	322.07
Vera Cruz	93.21	93.31	10.48		9.93	37.85	798.79
Victoria	62.15	36.85	13.00		14.00	26.05	652.05
Vienna	298.23	349.23	37.12		121.01	170.78	1,819.24
Wallacelberg	180.00	29.26			31.50	3.05	251.52
Warsaw	65.02	2.00				14.86	81.86
Wanbaushene	76.00	30.45	3.00	44.64	26.15		180.51
Windsor, Nova Scotia	64.73	33.33				9.74	107.80
Windsor, Ontario	30.00	27.25			25.00	1.50	228.75
Winnipeg	15.00	56.23					351.23
Woodstock	22.00	16.00			30.00		148.00
Yarmouth	53.10	77.85		18.50		11.63	361.08
Zanzibar							
Zurich	86.75	163.03	4.77			18.43	653.01
Dispatch agent, London	82.91						82.91
Purchases, Department of State	1,303.86	6,088.41		1,032.56		|| 4,823.16	13,247.99
Consular clerks					550.69		550.69
Total	85,574.38	27,918.41	2,108.19	3,819.32	2,542.16	1,100.18	191,817.43

* Comprador.

† Chinese writer, \$90; frame case, \$298.92; watchman, \$96.

‡ Illumination on occasion of Sultan's accession.
§ Chinese writer, \$180.

|| Advertising, \$274.17; boxes, \$576.50; freight, \$1,855.44; flags, \$1,435.45; seals, presses, \$320.30; sponge, gum arabic, \$177.60; reference books, \$113.20; paste and brushes, \$22; pads, \$3; ribbon, \$15; contingent charges, \$30.50; total, \$4,823.16.

THURSDAY, May 31, 1894.

NEWARK, N. J., PUBLIC BUILDING.

STATEMENT OF HON. T. D. ENGLISH.

Hon. T. D. English, a Representative from the State of New Jersey, appeared before the subcommittee and submitted the following papers:

"For the completion of the post-office and custom-house at Newark, New Jersey, and for the purchasing of property to furnish the requisite fire space required by law, to be expended under the direction of the Secretary of the Treasury, two hundred thousand dollars or so much thereof as may be necessary."

The act appropriating \$650,000 for the construction was approved May 2, 1890, and under that there had been expended at the time of the receipt of a letter from the Assistant Secretary of the Treasury \$510,000, leaving \$140,000. Since then the building being now nearly finished has probably cost fifty or more thousand dollars. There may be a balance of nearly \$90,000 outside the cost of fixing the grounds. We can not put the place in operation or receive it or act upon it until the vacancy for fire space required by law has been acquired. On Broad street property is worth about \$5,000 per foot; there is but 3 feet fire space. Next to that is the Bolles property which is 54 by 220, which the executors offer for \$250,000. Next to that is a canal 30 feet wide which is obliged to remain open by law. You can not purchase 37 feet of that. The price would be just the same as for the whole property. In purchasing the whole you will get 57 feet, which, with the 30 feet open space in the canal, would make 87 feet, and you would have left 47 by 220 for future additions to the post-office. In Bank street property is not so valuable, and the 40 feet space there required will cost about \$50,000. To grade and fill after we have removed the obstacles from the building it will probably take from \$10,000 to \$15,000 more. Your materials will not bring \$1,000; \$250,000 and \$50,000 make \$300,000. The \$90,000 left will scarcely cover it, but it is possible it may be done somewhat less. At all events, I ask for an appropriation of \$250,000 originally, and I now ask for \$200,000, which, by good management, may be made to cover it.

If we have to go into condemnation proceedings there is no telling what will occur—and to begin with that is rather expensive litigation—and thus keep back the use of the post-office. It is the proper policy for the Treasury to close, in my judgment, with the executors.

The Baptist church, which is now occupied temporarily as post-office, custom-house, and collector of the internal revenue, will have to be retained and has cost about \$110,000.

The present post-office was based on a gradual increase in the next thirty or forty years of receipts, but the growth of the post-office has been unprecedented. In the last five years it has nearly doubled, as will be shown by the statement of the Postmaster-General. The profit of the Government in that time has been \$600,000 over expenses. The city of Newark has obtained a supply of pure water, which together with its great business interests have caused a large increase in the receipts. A large number of merchants, yet going to business in New York, reside in Newark and are coming there as it is convenient of access to the city, and they do a large portion of their postal business in Newark. The present building in the course of fifteen or twenty years, perhaps ten years, will be utterly inadequate to meet the demands of the post-office, to say nothing of the increase in customs, which in the last two or three years has risen. The additional ground obtained through the purchase of the Bolles property gives you 47 by 220 feet upon which to build any addition, if needed in due time, without any expense to the Government for new land and without involving the destruction or demolition of any building.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 22, 1893.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, requesting certain information regarding the ground needed, etc., in connection with the U. S. custom-house and post-office at Newark, N. J.

In reply, you are respectfully advised that, by reference to the report of the Supervising Architect of the Treasury, for the year ending September 30, 1892, you will observe that the limit of cost of the said site and building has been fixed at \$650,000, and that under said limit, \$350,000 has been appropriated for site and building, and also the further sum of \$100,000 for building.

The subject of acquiring additional land to the present site of said building has for some time been under consideration by this Department; an agent having visited Newark for the purpose of making examination into the matter, and in view of the

statements contained in his report, dated December 17, 1890, the Department has taken no action in regard thereto, or the proposals and correspondence had in the case, principally for the reason that the price asked for the property was deemed excessive, and the balance of the appropriation remaining available would not be sufficient to pay the aggregate amount of damages that would probably be awarded by a jury in proceedings in condemnation.

From the inclosed plat of the premises, you will observe that the north line of the new building now under construction extends to within 3 feet of the boundary of the site, so that in order to provide a 40-foot fire limit on the north side of the building, the property known as the Bolles estate should be acquired in addition to the present site. This addition would also provide space on the north for any possible enlargement of the building in the future.

Said property is about 54 by about 220 feet in dimensions; and the executors of said estate proposed to convey the same to the United States for \$250,000, whereas the actual value of the same, as shown by the report above referred to, is greatly less—say, from \$150,000 to \$200,000.

At the date of initial legislation it was believed that the action was based upon the value of additional land, estimated at \$140,000, whereas it is developed that this additional land would probably cost considerably in excess of that sum.

The amount already paid on account of site, and for fitting church property
for Government uses \$110,000
Estimated cost of the new building 400,000

Leaving a balance available for the acquisition of additional land 510,000
140,000

Total limit of cost \$650,000

Giving due consideration to all the facts and estimates now before the Department, it would seem that in order to secure the required fire limit existing legislation in regard to the limit of cost should be modified so as to provide for the contingency of probable increased cost over the original estimate, as above explained.

The church building on the site has been fitted up and is now in use for the transaction of Government business; and the building proper is now so far advanced that the masonry is practically completed, the structural iron work of the roof in place, and the roof is being covered preparatory to entering into contracts for the supply of the interior finish.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

HON. THOMAS DUNN ENGLISH,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., December 6, 1893.

SIR: Referring to your letter of the 2d instant to the Postmaster-General, asking for a statement of the receipts and expenditures for the post-office at Newark, N. J., for the past five years, I beg to furnish the same as follows:

Fiscal year ended June 30—	Gross receipts.	Expenditures.
1889	\$197,248	\$84,219
1890	209,606	97,551
1891	230,391	114,353
1892	251,929	127,470
1893	282,475	143,015

Very respectfully,

FRANK H. JONES,
First Assistant Postmaster-General.

HON. THOMAS DUNN ENGLISH,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., December 16, 1893.

SIR: In reply to your letter of the 14th instant, requesting certain additional information relative to the U. S. custom-house and post-office building now in course of construction at Newark, N. J., I have the honor to state:

The building known as the Baptist church, now occupied by Government officials, will be required for the use of the Post-Office Department after the completion of the new building. The original cost of said church building to the Government, including site and incidental expenses, was \$61,085.78, and the amount expended to date to fit up same for the use of the Government officials, including repairs, is \$38,967.75.

The continual use of the said church for post-office purposes involves the necessity of purchasing 40 feet front on Academy street to provide 40 feet fire limit, the cost of which is now under investigation, and will form the subject of another communication to you.

Respectfully, yours,

J. O'ROURKE,
Supervising Architect.

Hon. THOMAS DUNN ENGLISH,
House of Representatives.

COLUMBIA ARSENAL, TENN.

**STATEMENT OF HON. JOSEPH E. WHEELER, REPRESENTATIVE
FROM THE STATE OF ALABAMA.**

The CHAIRMAN. Will you state briefly the matter which you desire the committee to consider.

Mr. WHEELER. The equities of this case are, briefly, that a contract was made under specifications for building the Columbia arsenal. With regard to the walls, the printed contract stated the usual rubble construction as adapted for this work, the material being easily procured in the vicinity. Such stone can be more cheaply laid, and is in ranges when broken. When they came to go on with the building, they found that the stone furnished from these local quarries—

Mr. LIVINGSTON. What is this case? I do not understand it.

Mr. WHEELER. This refers to a contract for building the Columbia arsenal at a specified price.

Mr. CANNON. The United States, after advertisement, contracted with somebody to build the arsenal?

Mr. WHEELER. Yes, sir.

Mr. CANNON. And somebody did not comply with the contract?

Mr. WHEELER. Yes; he complied with the contract, but—

Mr. CANNON. But he comes now, having complied with the contract, to ask Congress for relief.

The CHAIRMAN. If I understand this case, it is that this gentleman made a contract with the Government for which he was to build an arsenal down there of a certain kind of stone, making an estimate according to what was believed to be the quality of the stone and the geological formation and regular strata. Upon examination it was found that that stone was not suitable, and he was compelled to get stone from Bowling Green, Ky., which stone he got, and completed the contract, not according to the specifications, but according to the contract, out of material which cost him \$20,000 more than he had expected it would cost. In doing that, having spent \$20,000 more than he intended, the officers of the Government paid the contract price and nothing more; but they made an estimate that the building is \$4,000 better than it would have been if built out of the material originally called for; and therefore, this gentleman asks, not \$20,000, but \$4,000, which is a betterment. (To Mr. Wheeler.) Have I stated it correctly?

Mr. WHEELER. You have stated it correctly.

The CHAIRMAN. To my mind, the trouble with this matter is that it is not a deficiency, but a claim, and should go before the Committee on Claims.

Mr. CANNON. Is there any estimate here?

Mr. WHEELER. Yes, sir; there is a letter recommending its payment.

Mr. CANNON. This contract provided for this change, and did the Government change the material?

The CHAIRMAN. The contract provided for the use of material of a certain character. He made an estimate upon the building with the idea that this material could be obtained down at Columbia, but he was mistaken?

Mr. CANNON. The contract called for a particular kind of stone?

Mr. WHEELER. He used a better stone, and the building was worth about \$4,000 more after it was finished than if he had used the other stone.

Mr. CANNON. He went on and got stone on his own motion?

Mr. WHEELER. The Government rejected all the stone, except from two quarries, and those were so located that it was impossible for him to get the stone at the price for which he had hoped to get it.

The CHAIRMAN. He has no legal claim whatever upon the Government. All the claim he has is that it has cost him \$20,000, and he has bettered the building to the amount of \$4,000.

Mr. SAYERS. These parties entered into a contract with the Government to construct this out of a certain quality of stone. The stone which he first selected did not answer as to quality.

Mr. WHEELER. They presented a sample of several different quarries, and the samples from two quarries the Government said would answer, and it proved to be expensive to get the stone.

Mr. SAYERS. The question is this: The quarries out of which he proposed to select the stone, in the first place, did not furnish the quality of stone that was necessary to be furnished in order to comply with the contract, and he was compelled to go to another quarry to get it?

Mr. WHEELER. Yes, sir; to Bowling Green.

Mr. SAYERS. And that entailed an expense larger than would have been incurred if he had been permitted to select this inferior stone at the local quarry?

Mr. WHEELER. Yes, sir; it was the fault of the Government officer.

Mr. LIVINGSTON. If it was the fault of the Government, why did he not go on and build it out of the stone which he had estimated for?

Mr. WHEELER. Because when the stone was brought and put to an analysis, they found that it was so inferior the building would not have lasted thirty years.

Mr. LIVINGSTON. The Government authorized him to get better stone?

Mr. WHEELER. He had correspondence with Gen. Flagler and others. The statement of Gen. Flagler shows the betterment of the building.

Mr. LIVINGSTON. The Government authorized it?

Mr. WHEELER. Yes; but in the letter authorizing it the Government officer told him they would not commit themselves to any additional charge upon the Government. The officers could not do otherwise. This put him to an additional expense.

The CHAIRMAN. I do not see what this committee has to do with this matter.

Mr. WHEELER. The law was passed authorizing the Columbia Arsenal. The Government by its own action made it necessary that this man should use a different stone, which improves the building to the extent of \$4,000. The man in charge of the arsenal said it improved it to the extent of \$5,000. He recommended that \$4,000 be paid. I hope you gentlemen will consider that this \$4,000 will be but a slight recompense, because it will simply save this man from absolute financial destruction and bankruptcy. The Government had got the benefit of it. The whole trouble was a mistake as to the character of the stone. They said at first that it would be proper; but when they came to use it they found it would not answer, and it cost this man \$20,000 more. I hope you will put this matter in the bill.

RENT OF UNION BUILDINGS.

STATEMENT OF MR. FRANK B. CONGER, OF WASHINGTON, D. C.

The CHAIRMAN. The matter which Mr. Conger desires to present is the rent of the Union building. The documents referring to it are House Docs. 192, 213, and 219. Mr. Conger will state what he desires the committee to know in reference to the matter.

Mr. CONGER. The War Department has been occupying the two upper floors of our building since about the 15th of June last.

The CHAIRMAN. Here are letters from the Secretary about it in Docs. 213 and 219. This is for \$13,547.57 for the rent of the Union building on G street, for the use of the Record and Pension Office of the War Department, to June 30, 1894. Doc. 219 is an estimate of \$2,166 for rent of two floors from the 1st of July to the 31st day of August, 1894.

The third item is for rent of basement for Sixth Auditor's office, \$2,000. It will be remembered that when Ford's Theater building fell, the two floors of this building were rented for this purpose. A deficiency appropriation of a certain sum of money was made to repair that Ford's Theater building, and the Secretary of the Treasury estimates it will not be ready for occupancy until the 31st of August.

Mr. SAYERS. He says it will be ready by the 1st of July, and certainly by the 1st of August.

The CHAIRMAN. (To Mr. Conger.) Will you state anything further which you desire?

Mr. CONGER. There are \$2,000 due from the money-order branch.

The CHAIRMAN. That is in the bill.

Mr. CONGER. There are \$8,000 due from the Interior Department. They paid the rent up to the 1st of January last. It is estimated by the Assistant Secretary, Mr. Simms, at \$8,866.

The CLERK. It will be found on page 43.

Mr. SAYERS. Is the \$2,166.67 rent for two months, or for one month?

Mr. CONGER. We rented the building at the rate of \$13,000 a year, and it must be for two months.

The CHAIRMAN. This appropriation is up to the 30th of June, 1894, and so much more as the Government may use it?

Mr. CONGER. We only charge them for so much time as they occupy the building. We do not expect to charge more, although we might do that legally.

Mr. SAYERS. If there is going to be any trouble about that matter, we would like to know it.

Mr. CONGER. We expect to charge only for the exact number of days the building is occupied, at the rate of \$13,000 a year.

Mr. SAYERS. In addition to that, you have a claim for rent for part of the basement, \$2,000 for occupancy of the Sixth Auditor's office?

Mr. CONGER. Yes, sir.

Mr. LIVINGSTON. What is in that basement?

Mr. CONGER. All the valuable papers, and other kinds of documents which the money-order division of the Sixth Auditor's office moved out of the Busch building. They were afraid that building would fall. The only suggestion which I want to make to this committee is that we would like to have this matter settled up, as it has been standing a long time, and we have had a good deal of trouble about it. I would like to have it cleaned up.

HOUSE DIGEST.

STATEMENT OF N. T. CRUTCHFIELD, JOURNAL CLERK OF THE HOUSE OF REPRESENTATIVES.

The CHAIRMAN. Mr. Crutchfield, Journal Clerk of the House of Representatives, has a matter to which he wishes to call our attention. He was ordered by the House to prepare the Digest. He did prepare it, and Mr. H. H. Smith, the former Journal Clerk, began proceedings for an injunction on the ground that the work was copyrighted. That injunction was tried and was dissolved. Mr. Crutchfield had some expenses in connection with that matter, and he desires to make a statement.

Mr. CRUTCHFIELD. In January of last year this suit was brought seeking to enjoin me from the publication of the Digest, in which suit it was alleged that I had infringed a copyright of the Digest, and it was asked that I be enjoined from repeating the performance. I denied, of course, that I had infringed it, and I denied that he had any copyright; I also claimed, as I think the proof showed, that very little of Smith's original matter was used, not to exceed two or three pages. He claimed a copyright in the notes to the Constitution; also a right in Jefferson's Manual and, in fact, the whole publication.

I suppose the first and most important question to be considered is whether the House should be responsible at all for the expense of defending this suit.

This work, from the publication of which I was sought to be enjoined, was entirely a work that I was required to do by the general law and by resolution of the House. At the time I was served with the process in this suit Mr. Richardson, chairman of the Committee on Printing, said to me that I ought to employ counsel to defend it. The Speaker, when informed of it, also told me that the suit ought to be defended. Of course, I intended to do it anyway.

The CHAIRMAN. Did you have an order in writing?

Mr. CRUTCHFIELD. It was not an order, but merely a verbal statement. I mention it simply to show that they concurred in my course in defending the suit.

Mr. CANNON. Where is this order, where you say it is made your duty to publish it?

Mr. CRUTCHFIELD. The appropriation act, in which provision is made that the Journal Clerk be paid so much for preparing the Digest.

Mr. CANNON. What is the amount?

Mr. CRUTCHFIELD. One thousand dollars.

Mr. CANNON. That is an extra appropriation?

Mr. CRUTCHFIELD. Yes, sir. The duty of publishing this Digest is also prescribed in an act passed in the Forty-fourth Congress, found in U. S. Statutes at Large, vol. 19, p. 371, as follows:

"Hereafter a Digest of the Rules and Practice of the House shall be prepared and published by the journal clerk of the House, as the House shall from time to time direct; and for such additional services hereby required the journal clerk shall be paid the sum of one thousand dollars per annum."

The order of the House was by a resolution adopted during the winter, I forget the date, which authorizes the preparation and printing of the Digest.

The CHAIRMAN. Can you get a copy of that order?

Mr. CRUTCHFIELD. Yes, sir; I find that it is a resolution reported by the Committee on Printing and passed by the House January 21, 1894, directing "that there shall be printed 2,500 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-second Congress," etc. (See Journal 2, 52, p. 53.)

As to what the services of the attorney are worth, Mr. Hallam, my counsel in the case, has filed several statements, including one of his own, showing the value of the services. I can add that the suit was brought in January and, with intermissions, occupied the attention of my counsel from that time until about one year afterwards.

Mr. CANNON. Where was the suit tried?

Mr. CRUTCHFIELD. In the supreme court of the District of Columbia.

Mr. CANNON. Was it tried on appeal?

Mr. CRUTCHFIELD. Mr. Smith took an appeal, but the court of appeals of the District dismissed it.

Mr. CANNON. It was not heard there?

Mr. CRUTCHFIELD. It was not heard there, except as to the motion to dismiss.

Mr. SAYERS. How much compensation does your attorney want?

Mr. CRUTCHFIELD. He files statements which show the value of the services to be from \$1,500 to \$2,000.

Mr. CANNON. How much did you agree to pay?

Mr. CRUTCHFIELD. I told him I would pay a reasonable fee, and that, under the circumstances, I thought the House would provide for its payment.

The CHAIRMAN. Can you file the statements?

Mr. CRUTCHFIELD. Yes, sir; I have them here and will leave them with the clerk.

Mr. LIVINGSTON. From whom are the statements? Are they from disinterested parties?

Mr. CRUTCHFIELD. Yes, sir; they are from disinterested attorneys.

Mr. CANNON. I would like to get a copy of the proceedings?

Mr. CRUTCHFIELD. It is a very large package. My own deposition and the examination of the documents in issue occupied me almost continuously for a considerable period.

The CHAIRMAN. No lawyer would do it for less than from \$1,000 to \$2,000, depending upon the nature and the amount of his practice. It required taking Mr. Smith's and Mr. Crutchfield's work and going over it, comparing them. It also required taking depositions which were voluminous.

Mr. CRUTCHFIELD. In the course of the testimony I showed that the matter in Smith's book which I used was really taken from the work of Barclay, and that the other matter was my own. It required an examination of every page and every paragraph.

Mr. SAYERS. You prepared that for your lawyer?

Mr. CRUTCHFIELD. Yes, sir.

Mr. LIVINGSTON. How much work did your lawyer do after you prepared it?

Mr. CRUTCHFIELD. He did the work which a lawyer usually does.

Mr. LIVINGSTON. That is indefinite. You prepared the evidence and did all the work; then what did he do?

Mr. CRUTCHFIELD. I do not say that I did all the work; I could not do it all, although I am an attorney; my services were required in the house, and I was compelled to have this assistance.

The CHAIRMAN. The attorney examined witnesses on both sides, prepared a brief, and worked up the case?

Mr. CRUTCHFIELD. Probably I had better read Mr. Hallam's statement. He was occupied some three days at the final hearing of the case before the court. We were taking testimony running through a period of some six weeks, with an occasional adjournment for two or three days in order to arrange the testimony. Besides, a number of motions were made and argued at different times during the preparation and pendency of the suit.

Hon. W. C. P. BRECKINRIDGE,

Chairman Subcommittee on Deficiencies House of Representatives :

In the matter of the communication of the Clerk of the House recommending an appropriation to pay the expenses of Journal Clerk Crutchfield in defending the recent suit of his predecessor, H. H. Smith, to enjoin the publication of the House Digest, I herewith forward letters of J. J. Darlington, J. M. Wilson, H. O. Claghton, Henry Wise Garnett, and Wm. Birney, all lawyers of large practice and experience in the District courts. These letters fix the attorney's fee in the case at from \$1,500 to \$2,000. I may add that I, myself, do not think the latter figure too high. From the middle of January to the 1st of July I was frequently engaged in the preparation of pleadings, argument of motions, and taking of depositions (the latter occupying nearly an entire month), to say nothing of the legal and technical investigations necessary to properly present the questions involved. Mr. Smith claimed a copyright in the arrangement of the Constitution and Jefferson's Manual and notes, as well as the whole of the digest proper, and the preparation of the defense involved two branches, one of law as to whether, in any event, he was entitled to a copyright in any portion, he having prepared it for annual pay appropriated for that special purpose, and a question of fact as to whether how much of it was original matter of his own composition and to what extent such matter was used, if at all, by Mr. Crutchfield. The testimony was very voluminous, but the great mass of it, probably three-fourths, was brought out by the plaintiff.

The final hearing occupied three days, and a decree dismissing the bill was accompanied by an opinion holding in substance that the property in the book remained in the United States, and that it was not competent for an employé to take out a copyright as against the Government. The testimony also showed that the great bulk of Mr. Smith's alleged work was the original work of other persons, and that the use of any original matter of Mr. Smith's by Crutchfield was very slight, although the court, in its opinion, in view of its conclusion announced on the legal question, did not deem it necessary to pass specifically on this point.

The importance of this opinion is very great to the House. Had it been held otherwise, Mr. Smith might have been in position to dictate terms as to the use of any portion of the matter or arrangement of the work by this or any succeeding House.

I made no contract with Mr. Crutchfield as to fee except that it was to be reasonable. It was almost impossible to fix any fee in advance, besides I understand from Mr. Crutchfield that he had been directed by the Speaker and the chairman of the committee to make defense. From the letters submitted and from your own personal inspection of the record, I feel satisfied your subcommittee will be able to reach an equitable conclusion.

Respectfully,

O. B. HALLAM.

MAY 31, 1894.

WASHINGTON, D. C., March 8, 1894.

DEAR SIR: At the request of O. B. Hallam, esq., I have made examination of the papers in the equity case of Smith v. Crutchfield, decided in November, 1893, in the supreme court of the District of Columbia. It was begun in the January preceding.

I find voluminous pleadings, 349 pages of depositions, and 11 volumes of exhibits, 10 of which average more than 500 pages each, the eleventh being much larger. It was necessary for counsel to read several thousand pages and to examine critically, for comparison of texts, 3 volumes averaging 550 pages each. The hearing occupied three days. The case involved a great deal of labor, aside from the discussion of the law questions settled by the decision.

I know no exact standard for estimating a lawyer's fee, and have never been able to fix one for my own practice. A good deal depends on the importance of the law question involved and its novelty; something, too, on the ability of the client to pay. Within the last few years I have received as much as \$3,000 and as little as \$1,000 as fees in cases involving about the same labor as in Smith v. Crutchfield. I should say Mr. Hallam's fee should be from \$1,200 to \$1,500, according to the importance of the law issues involved; and with these I am not familiar enough to warrant me in giving an opinion.

Very respectfully,

WILLIAM BIRNEY.

Hon. JOSEPH D. SAYERS,

Chairman Committee on Appropriations, House of Representatives.

WASHINGTON, D. C., *February 16, 1894.*

DEAR SIR: At the instance of O. B. Hallam, esq., of the bar of this city, I have made an examination of the record in the case of Henry H. Smith, complainant, v. Nathaniel T. Crutchfield, defendant, equity No. 14457, lately pending in the supreme court of the District of Columbia, with a view of estimating the value of the legal services rendered by Mr. Hallam in that case. I find that a very considerable volume of testimony was taken, the examiner's fees being nearly \$300; that a tedious and laborious comparison of the complainant's Digest and Manual of the Rules and Practice of the House of Representatives, with that of the defendant, and of both with the earlier work, known as Barclay's Digest, was necessary, and that the argument of the case occupied about three days.

Basing my judgment upon the two elements which usually enter into fixing the amount of professional compensation, namely, the amount of labor required and the value of the result attained, I am of the opinion that \$1,500 would be a fair and reasonable fee in the matter.

Yours, very respectfully,

J. J. DARLINGTON.

Hon. JOSEPH D. SAYERS,

Chairman Committee on Appropriations, House of Representatives.

DEAR SIR: I have not had time, I regret to say, to make an examination of the record referred to in Mr. Darlington's letter, but I am willing to base a statement of opinion on the value of services on any statement that Mr. Darlington would make as to what the record shows. The accuracy of his statement, it is superfluous to say, may be implicitly relied upon, and I do not hesitate to give it as my judgment that the services in question are well worth \$1,500.

Very respectfully, etc.,

J. M. WILSON.

Hon. JOS. D. SAYERS.

I took some casual notice of the case during the progress of the hearing, but did not become sufficiently acquainted with it to form an opinion of what would be a reasonable fee. I have no hesitation, however, in adopting the estimation of the value of the services as found by Mr. J. J. Darlington upon the examination made by him.

H. O. CLAUGHTON.

WASHINGTON, D. C., *March 3, 1894.*

SIR: At the request of Mr. O. B. Hallam, I have examined the record in the case of Smith v. Crutchfield, No. 14457, in equity, in the supreme court of the District of Columbia, and also conversed with Mr. Hallam with a view of ascertaining the services rendered by him, in order to estimate what in my judgment would be a proper compensation therefor.

After said examination and conversation, I have to state that I consider the sum of \$2,000 to be a reasonable fee for the services rendered by him in this case.

Yours, very truly,

HENRY WISE GARNETT.

Hon. JOS. D. SAYERS,

Chairman Committee on Appropriations, House of Representatives.

NAVAL OBSERVATORY.

STATEMENT OF COMMANDER JOSHUA BISHOP.

The CHAIRMAN. In House Ex. Doc. 210 there is an appropriation of \$300 for the Naval Observatory, which is explained in a letter of Capt. McNair of April 24, 1894. Please state, as briefly as you can, what is the necessity for it.

Commander BISHOP. The necessity for it is that \$2,500 heretofore appropriated have not been sufficient to continue this work, and the additional money required has been used to pay gas bills in connection with the magnetic observatory, which is continuous. We must either get that additional money or stop magnetic obser-

vations. There are several items for gas bills, amounting to \$90.25. They use gas in connection with magnetic observations. They have an automatic registering instrument which has to be lighted by gas. Gas has to be employed, because they can not use electricity.

The CHAIRMAN. What have you for current expenses?

Commander BISHOP. We have not enough for March, April, May, and June. We had money enough to pay up to that time, and the bills for those months are still outstanding.

The CHAIRMAN. You are carrying out the work, and you need \$300?

Commander BISHOP. Yes, sir. Part of that is in a bill for the Smithsonian Institution.

Mr. LIVINGSTON. What is that bill?

Commander BISHOP. That is for foreign publications transmitted through the Smithsonian Institution. They keep the bills back until late in the fiscal year, and sometimes we do not get the bills until the money has been expended. It amounts to about \$122. Then there is an item of \$80 for small expenses, contingencies under the head of repairs.

The CHAIRMAN. How much have you gotten for repairs and contingent expenses?

Commander BISHOP. We got \$2,500, and we got \$4,500 for the old observatory.

The CHAIRMAN. Your duties have been enlarged and the appropriation curtailed?

Commander BISHOP. The general examiner told me that he would expend that amount, and if he did not get it he would run short.

The CHAIRMAN. In point of fact he has only had \$2,500, plus \$300, which, in a smaller building, formerly cost \$4,500.

Mr. SAYERS. That other building is an old one and this is new work and, consequently, you ought not to need so much for repairs.

Commander BISHOP. We need to put the old work back, and the extra expense is in getting settled in that new building. There have been a great many incidental expenses attending that, such as the cost of leading pipes.

Mr. SAYERS. We want an itemized statement of how you have spent that.

The CHAIRMAN. Another point I would like to know is this: You had heretofore \$4,550 in a lump sum, and when you went into the new building we gave \$2,500, but in addition did we not also appropriate another sum which had been originally included in the \$4,550? Did we not give you more than \$4,500 to be divided and classified?

Commander BISHOP. I can not say as to that item of expenditure. The same expenditures were made as formerly.

The CHAIRMAN. In the legislative bill for next year I think there are \$2,500, including transmission of public documents through the Smithsonian for foreign postage, contingent expenses, etc.; but they have also put in \$7,500 for fuel, oil, grease, and other things.

Commander BISHOP. We had a separate appropriation for this current year of \$7,500.

Mr. LIVINGSTON. What was given you last year?

Commander BISHOP. Seven thousand five hundred dollars.

The CHAIRMAN. For 1892 your appropriation was \$4,550, and when you moved into the new building we divided the appropriation, and in 1893 gave you \$2,500 under the old item, and \$7,500 for 1894; so that in point of fact, in 1893 your appropriation was increased from \$4,550 to \$10,000?

Commander BISHOP. The superintendent, Capt. McNair, intended to come down, but he was ill. He only gave me the items which he said had not been allowed.

The CHAIRMAN. When can the superintendent come down?

Commander BISHOP. To-morrow, perhaps.

The CHAIRMAN. It is evident, looking at the act of 1892, that your entire appropriation was \$4,550; under the bill for 1893, which was further classified; \$2,500 under one head, and \$7,500 under the other head; so that when you aggregate it, it was an increase from \$4,550 to \$10,000.

Mr. CANNON. I would like to have you give us an itemized statement of all the expenditures for the current fiscal year for the Naval Observatory, being careful to separate the expenditures for the Observatory proper, from the care of grounds and other buildings.

Commander BISHOP. I will do so.

FRIDAY, June 1, 1894.

INDIAN DEPREDAATION CLAIMS—JUDGMENTS.

STATEMENT OF MR. CHARLES B. HOWRY, ASSISTANT ATTORNEY-GENERAL.

Mr. SAYERS. On page 79 of the bill, in the matter of the judgments in Indian depredation claims, the subcommittee would be glad to have your views respecting the payments of those claims as reported to Congress; and we would also like to have from you such information as you may have respecting the manner in which these judgments were obtained, and also as to what has transpired since you were appointed Assistant Attorney-General, and put in charge of those claims.

Mr. HOWRY. This list of judgments, contained in Senate Ex. Doc. No. 7, which has been transmitted to Congress, is a list of the final judgments rendered under the act of March 3, 1891.

Mr. SAYERS. That was prior to your appointment?

Mr. HOWRY. Yes, sir; that was prior to my appointment, and they were transmitted to Congress under section 8 of the act known as the Indian depredation act, which requires that at each regular meeting of Congress the Attorney-General shall transmit a list of all final judgments. This list covers all of the final judgments rendered up to the time I took charge, the 1st day of August last. All the judgments contained in Senate Ex. Doc. No. 7 were rendered prior to that time, beginning with the 11th day of October, 1892, and ending June 22, 1893. The total amount rendered to Congress for payment was \$452,227.83. In that original list transmitted to the Senate there were two judgments in which motions had been filed and were not returned, but which, upon subsequent investigation, I discovered should have been returned. They were rendered after I took charge. The amount of those is \$5,580, and they were rendered November 13, 1893, in favor of James B. Gayton; and on November 20, 1893, in favor of George W. Harmon. At the same time (I do not recall the exact date) information was lodged with the Attorney-General after this report had been transmitted to Congress that a number of these judgments against the Sioux Indians were irregular.

The irregularities were said to have grown out of the want of citizenship on the part of claimants, and also out of the fact that a number of persons who had obtained judgments had been incorporated into the Sioux tribe of Indians, and if not directly receiving benefit of the Indian annuities, which you have appropriated for, they were indirectly receiving such benefits.

Mr. SAYERS. How were they indirectly receiving such benefits?

Mr. HOWRY. In the fact that they had married Indian women, their wives and families were drawing annuities and they were living off those annuities. The question immediately presented itself to the Department whether or not these people had forfeited their citizenship. They were white men, and the act of March 3, 1891, referred to those as citizens of the United States. The Court of Claims recently made a decision, upon the presentation of the point by me, that these persons must have been citizens at the time the depredations were committed.

Mr. SAYERS. Does the Department hold that intermarriage of white men, citizens of the United States, with Indian women forfeits citizenship?

Mr. HOWRY. That is an open question. Under the treaty of 1868 with the Sioux Indians it was provided that any white person who was living on the reservation, or who chose to come in, might be legally incorporated into the tribe. There is no statute which authorizes their incorporation. That is the phraseology, however, of the treaty, and under that a good many white men, marrying Indian women under the usages, customs, and traditions of the Sioux tribe, did become incorporated into that tribe of Indians, and their wives are drawing annuities. The Attorney-General immediately instructed me to present that question to the Court of Claims for decision in the quickest way I could get it. It is an undetermined question whether the parties have forfeited their rights as citizens of the United States.

Mr. CANNON. Under that act the depredations must have been committed while they were citizens, and the question is, whether an incorporation under the treaty into that tribe does not act as a release of their claim?

Mr. HOWRY. That is the question.

Mr. CANNON. And that has not been decided?

Mr. HOWRY. No; that question of the effect of their incorporation has not been decided. Information was lodged with the Department of Justice in which it was

held that a number of these people who had obtained judgments against the United States were French Canadians and were not citizens of the United States. The information, I suppose, was predicated more upon the fact that the Court of Claims, since the judgments were rendered, had decided that a man must have been a citizen at the time the depredations were committed.

Mr. CANNON. But had not gone to the extent of deciding that they must be citizens at the time of the recovery?

Mr. HOWRY. No, sir.

Mr. CANNON. Was not that question of citizenship raised in some of these cases?

Mr. HOWRY. No, sir.

Mr. CANNON. Then how are you going to raise it now?

Mr. HOWRY. Well, sir, it is pretty troublesome to raise it. There is a statute that leaves that open for two years in cases of fraud. I will refer you to the statute. It is section 1088. Under that statute I had proposed to reach the matter, but it was a very delicate subject for me to file any motion on, because I was without definite information as to any person, except a few whose names I transmitted to this committee. This evidence seemed to be pretty clear as to those persons, that their judgments should not be paid by reason of their citizenship not being clearly established. I will incorporate these letters in my testimony.

The letters were as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 20, 1894.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 19th instant, together with a copy of Senate Ex. Doc. No. 7, containing a list of judgments in claims arising from Indian depredations, whereby I am requested to inform you whether, in my opinion, all of said judgments are regular and should be appropriated for.

I beg to state in reply that, although upon taking charge of this office in August, 1893, and reorganizing the force within a month or two thereafter, the opportunity was not afforded me under the rules of the court with respect to the work in the field and the cases on the trial calendar to examine as closely the cases as under other circumstances I should have done, yet I have no reason to believe that any of the judgments contained in the said Ex. Doc. No. 7 are irregular, except as hereinafter stated.

Some time in the month of February last information came to me to the effect that the following judgments in the list were of doubtful regularity because of the requisite conditions of citizenship being wanting, to wit:

Joseph Bissonette	\$925.00
Joseph Bissonette	1,057.95
Jose Merrivale	1,190.00
Jose Merrivale	2,820.00
Jose Merrivale	660.00
Edward Morin	425.00
Edward Morin	2,450.00
David Cottier	840.00

I am unable to state at this time whether these judgments thus excepted from the list should be appropriated for or not, an investigation being now in progress with respect to them.

Very respectfully,

CHARLES B. HOWRY,
Assistant Attorney-General.

Hon. JOSEPH D. SAYERS,
Chairman, House of Representatives, Washington, D. C.

DEPARTMENT OF JUSTICE.
Washington, D. C., April 21, 1894.

DEAR SIR: Referring to your communication respecting the regularity of judgments in the Court of Claims in Indian depredation cases unpaid and to be appropriated for, which was answered on yesterday by me, I beg to call your attention in this connection to the inclosed copy of a letter this day addressed to the President of the Senate and the Speaker of the House of Representatives, referring to two judgments omitted from the list by oversight and which should have been reported to Congress in the list forwarded on the 9th of December, 1893, by the Attorney-Gen

eral. The inclosed copy of said letter explains itself. The amounts of said judgments should be included in those of the list which should be presented for consideration to the Appropriations Committee.

Very truly, yours,

CHARLES B. HOWRY,
Assistant Attorney-General.

HON. JOSEPH D. SAYERS,
Chairman, House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 21, 1894.

SIR: Pursuant to section 8 of the act of Congress approved March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian depredations," a report was made to Congress on the 9th day of December, 1893, from this Department exhibiting a list of all final judgments rendered under said act since June 30, 1891, in favor of claimants and against the United States and not paid.

The list included final judgments in Indian depredation cases beginning with the first unpaid judgment rendered on the 11th day of October, 1892, and ending with the last judgment rendered on the 22d day of June, 1893, and was intended to include all judgments rendered up to the 4th day of December, 1893.

There was omitted from the list two judgments which should have been included, according to the annexed exhibit, marked A, and identified by the signature of the Assistant Attorney-General charged with the defense of Indian depredation claims, and here again repeated, to wit, James B. Gayton, judgment in his favor for \$1,000, rendered November 13, 1893; George W. Harmon, judgment in his favor for \$4,580, rendered November 20, 1893.

These two judgments, aggregating \$5,580, should be included in Senate Ex. Doc. No. 7, second session Fifty-first Congress.

Respectfully,

Acting Attorney-General.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 22, 1894.

SIR: Since replying to your inquiries with respect to the regularity of the judgments set forth and contained in Senate Ex. Doc. No. 7 on account of alleged Indian depredations, I beg to inform you that from the reports of a special assistant, placed in the field by my direction for the purpose of thoroughly investigating the facts, and now operating in and around the Pine Ridge and Rosebud agencies in South Dakota, and having the cooperation of a Senate subcommittee on Indian depredations to whom I communicated what information I had, I am led to believe that there are possibly other judgments besides those named in my letter against the Sioux tribe of Indians and the United States, which, though apparently regular on their face, are not just to the Government and the Indian defendants. At this stage of my investigations I am unable to state specifically how many of the said judgments are supposed to be wanting in all the conditions which under the statute authorized judgment. I have reason to believe that a number of white men, legally incorporated into the Sioux tribe under the treaty of 1868 and married to Indian women and either directly or indirectly drawing annuities from the Government, have brought suits in many cases on account of the very depredations of the tribe with which they are associated, and in some instances have obtained judgments under the act of March 3, 1891, before I took charge of this office. I am not prepared to say, however, at this time, that these judgments can be successfully assailed, since some of these men claim citizenship, and under the act of March 3, 1891, every citizen of the United States had the right to bring suit. But my own view is that a person adopted into a tribe and becoming one of them, if he has not lost his citizenship, is certainly estopped from suing his own tribe and the Government for the acts of other members of his tribe.

Independent of this matter, there is reason to believe that a number of aliens have procured judgments, and some citizens of the United States have presented claims believed to be fraudulent.

As at present advised, without absolute information sufficient to make a recommendation, I can only submit to you, for such official action as the Appropriations Committee shall see fit to take, a list of the judgments against the Sioux Indians contained in Senate Ex. Doc. No. 7, to wit:

In whose favor rendered.	Amount of judgment.	Date of judgment.
Lovina Stites, administratrix.....	\$320.00	Oct. 11, 1892
William V. F. Earle.....	455.25	Do.
Jeremiah Graham.....	750.00	Dec. 5, 1892
Hiram B. Kelly.....	400.00	Do.
Augustus Trabling.....	675.00	Do.
Nicholas Janis.....	1,615.00	Do.
Jean Louis Rilliet (Minneconjou).....	2,723.00	Do.
Jerome T. Parrot.....	1,614.00	Do.
Joseph Leonia (Santee).....	1,000.00	Dec. 8, 1892
S. A. Hamlin, administrator.....	2,025.00	Do.
Thomas Chevalier.....	587.87	Do.
Joseph Knight.....	2,700.00	Do.
Joseph Bissonette.....	925.00	Do.
Edward Morin.....	2,450.00	Jan. 4, 1893
Jose Merrivale (and Cheyenne).....	1,190.00	Do.
Jose Merrivale.....	2,820.00	Do.
George Storrs.....	740.00	Do.
Daniel S. Shaw.....	2,100.00	Do.
William Rea.....	300.00	Do.
Isaac Fieldhouse (and Arapaho).....	1,005.00	Do.
Jose Merrivale.....	660.00	Do.
Frank Schmidt, surviving partner.....	1,364.00	Do.
Charles H. Elston (and Cheyenne).....	900.00	Jan. 17, 1893
William E. Martin (and Cheyenne).....	984.00	Do.
Benjamin Claymore (Ogallala).....	450.00	Do.
John F. Waggoner (Uncpapa).....	625.00	Do.
W. N. Hinman.....	1,000.00	Feb. 6, 1893
Hiram Davis and John Hiteman (and Arapaho).....	3,575.00	Do.
Cyrus F. Goddard.....	3,120.00	Do.
Hiram A. Libby, administrator.....	707.50	Do.
Morgan A. Hance, surviving partner.....	3,125.00	Do.
Coe & Carter.....	21,310.00	Do.
Carter & Crary.....	4,000.00	Do.
Edwin Morin.....	425.00	Feb. 13, 1893
Francis Mayock (Ogallala).....	1,500.00	Do.
Oliver P. Wiggins (Cheyenne).....	4,590.00	Do.
Abram T. Litchfield (and Cheyenne).....	10,190.00	Do.
David Cottier.....	840.00	Do.
William Bischof (Ogallala).....	1,500.00	Mar. 27, 1893
Nelson Story.....	2,000.00	Do.
Henry T. Clark and A. M. Clark.....	8,692.00	June 12, 1893
A. G. McGregor, administrator (Minneconjou).....	375.00	June 19, 1893
A. G. McGregor (Ogallala).....	720.00	Do.
Charles H. Peck, surviving partner.....	11,175.00	June 22, 1893
Joseph W. Paddock.....	6,950.00	Do.

If the appropriations are withheld in the cases named until something more definite is learned of them, including the following not named in Senate Ex. Doc. No. 7, but transmitted heretofore, to wit: James B. Gayton (Yankton), \$1,000, November 13, 1893. George W. Harmon (Uncpapa), \$4,586, November 20, 1893. I shall push the inquiries with all reasonable dispatch. But I take the occasion to suggest that in the delay which must ensue to other claimants from the full and thorough investigation of the cases that have gone to judgment, it is due to this Department that the causes of delay to other cases should be understood.

Respectfully,

CHARLES B. HOWRY,
Assistant Attorney-General.

Hon. JOSEPH D. SAYERS,
Chairman, House of Representatives, Washington, D. C.

Mr. SAYERS. Do you think that a matter of delicacy should prevent you filing a motion in judgments where you had suspicion that they were not properly rendered?

Mr. HOWRY. Not at all; but the difficulty was that that information was general—that a lot of judgments against the Sioux Indians in the United States should not have been rendered, and I thought it was better to send an agent to the spot to collect the information. That agent went in advance of Senator Kyle, a member of the Senate subcommittee on Indian depredations. He is investigating the matter with a view to making a preliminary report.

Mr. SAYERS. How long before you expect to get that report?

Mr. HOWRY. I am receiving installments from day to day, and I had expected to make such a motion before the court by the middle of June as would stay all judgments against these Indians that were at all suspected.

Mr. SAYERS. Will you send a copy to this committee?

Mr. HOWRY. Yes, sir. On the faith of those statements I had intended to make a motion in court to suspend them all until I could make a fuller and freer investigation than I have been able to make.

Mr. LIVINGSTON. Why not make that motion now, and take advantage of the suspension to get the information you want?

Mr. HOWRY. Perhaps it would be well.

Mr. CANNON. Can you suspend those cases on suspicion?

Mr. HOWRY. I am confronted with this state of affairs: I am only able to state that information has been received that a lot of judgments against the Sioux Indians in the United States were wrongfully rendered. When I go to make a motion to stay proceedings it is a pretty delicate matter to say that I am doing it merely upon suspicion.

Mr. CANNON. When were those judgments rendered?

Mr. HOWRY. The first judgment was rendered on the 11th of October, 1892, and the other was rendered in October, 1893.

Mr. CANNON. I think it is plain sailing, and Congress might refuse to appropriate for the whole batch; and in the meantime you could go ahead and make your investigation.

Mr. HOWRY. The only thing which might arise is that some claimant may have got his judgment as against the decision of the court on the subject of citizenship. The Court of Claims did not decide until recently that a person must show citizenship at the time of the depredations. Judgments were obtained there occasionally, and it has been developed afterwards that the person was not a citizen at the time he filed his petition. A number of them proved up all right.

Mr. CANNON. The question was not raised as to citizenship at the time the depredations were committed, and that has not been adjudicated.

Mr. HOWRY. It is now in the Supreme Court on appeal in the case of Benjamin H. Johnson. I understood that citizenship, like every other jurisdictional act, as for instance in the case of a question of amity—he must have been a citizen at the time, and not now. Within the last ninety days the court has decided the question favorably to the Government.

Mr. CANNON. Is not the only safe method to pursue to withhold the appropriations?

Mr. HOWRY. I would not like to say that, because I do not know, but—

Mr. CANNON. You say that this question of citizenship at the time of the depredations was not raised, and yet under the decision of the court pending now upon appeal in the Supreme Court that that was necessary to recovery, and that in most of these cases it was not raised until a short time ago?

Mr. HOWRY. No.

Mr. CANNON. Then you are totally unable to say in any given case that there was any want of citizenship?

Mr. HOWRY. That is true. We do not know what may develop.

Mr. CANNON. Have you a copy of the act of 1891?

Mr. HOWRY. I have not a copy of that act, but I have a copy of the judgment.

Mr. SAYERS. What we desire to know is this: If we decline to make any recommendation to the House for an appropriation to pay these judgments, is there any legislation which you think necessary in order to enable you to further inquire into the validity of these judgments other than the authority which you have in the general statutes regarding injustice or fraud which you have just referred to? Do you think you have power enough?

Mr. HOWRY. I do not need any additional legislation.

Mr. SAYERS. Would you undertake to make a thorough investigation as to the validity of these judgments in the absence of special direction by Congress?

Mr. HOWRY. I should think it would be greatly preferable to have it. A judgment is presumed to be regular. All the presumptions are in favor of the claimant. With the information that the judgment is irregular, I should feel it my duty to look into the matter and express an opinion about it to this committee. At the same time, under the great pressure in the court, and under the rules of the court, and owing to the condition of the business, and the fact that the Court of Claims has already rendered these judgments, I would think it greatly preferable, and the Attorney-General concurs with me in that view, that some directions should be given in reference to it.

Mr. SAYERS. Will you prepare a clause which will fully cover the propositions which you submit?

Mr. HOWRY. Yes, sir; but I would like to inquire as to the form in which it should be presented.

Mr. SAYERS. I take it, if we conclude not to make any appropriation, that we would engraft it upon the deficiency bill and trust to getting it through the House.

Mr. HOWRY. I simply wanted to know the form for my personal information. I would like to say this: I think it is more than probable that most of these judgments are regular and correct, judging by the examination I have given them. I think there are some instances in which it will be shown that judgments should not have been rendered.

Mr. SAYERS. Are you able to specify those judgments at this time?

Mr. HOWRY. They are the ones of which I have spoken. Judging from the information I have received from the special agent in the field and from Senator Kyle, I should think there would be a number of others.

Mr. SAYERS. Is it your opinion that the appropriation should be suspended until you can lay your finger on those which ought to be paid and those which ought not to be paid?

Mr. HOWRY. Yes, sir; it would be very well.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 1, 1894.

DEAR SIR: Referring to my statement to the Subcommittee on Appropriations this morning respecting the tenor and scope of the decisions of the Court of Claims with respect to the question of citizenship, I think, perhaps, I omitted to draw the distinction between the cases allowed and not allowed. The act of March 3, 1891, transferred to the court all those claims for Indian depredations pending at the time of the passage of the act in the Interior Department, including the cases allowed by the Secretary as well as those not allowed by him. The defense involved in the want of citizenship, so far as I know, was never made before the Court of Claims until I took charge, as applied to the cases allowed by the Secretary of the Interior—certainly there was no adjudication of the applicability of this defense to allowed cases until May 21, 1894. The claim of the defense that the claimants were not citizens of the United States at the time the depredations were committed was presented to the Court of Claims by my predecessor in those cases disallowed by the Secretary of the Interior, and in new cases brought under the act, but in those cases that had been allowed by the Secretary the question was never presented by him as stated. Hence, it is possible that a number of cases went to judgment where this defense could have been successfully interposed, but how many, if any, I can not undertake to say, for the reason that when I came into office it was impossible for me to go into a careful investigation of cases in which judgments had been obtained and at the same time continue with the other work of the office. The presumption was, and is yet, that the judgments were regular, and until the recent decisions of the court holding that the defense with respect to citizenship applied to all cases allowed and disallowed, and until information came that irregularities may have occurred on this account, I did not have occasion to direct my attention to the inspection of the records of judgments presumed to be regular.

The question involved in the defense of a want of citizenship in cases where there had been no allowance by the Secretary was passed upon March 13, 1893, in the case of *Valk*, which case was suspended on motion, but finally settled favorably to the defense February 12, 1894, after a similar holding in the *Johnson* case in December, 1893, which last case is now in the Supreme Court on the appeal of the claimant.

I will thank you to append this letter as supplemental and a part of my statement of this morning by way of amendment thereof.

Whether there is a remedy for the correction of any irregularities in the judgments contained in Senate Ex. Doc. No. 7, growing out of the defense of citizenship under section 1088 Revised Statutes, is doubtful, in view of the construction given to that statute by the Court of Claims. The defense, if it existed, could have been made at the outset. It can not likely be made now. On examination I find it has been held that—

"The Government, when a party litigant, like other suitors, is bound to use diligence. The officers of the Government on whom the obligation of diligence falls are those whom the law makes officially cognizant of the suit, or those who are charged in law or in fact with its prosecution or defense. They must be deemed to stand in the stead of the ordinary party, so far as mere legal proceedings are involved, and be subject to his obligations of care and diligence. Therefore a new trial founded on newly discovered evidence should not be allowed where the evidence might have been known to the former law officer charged with the defense of the action." (Silvey's case, 7 C. Cls. R., 305.)

"Commenting upon the act 25th June, 1868 (Rev. Stat., 1088), which provides that the court may grant a new trial upon such evidence as shall reasonably satisfy the court 'that any fraud, wrong, or injustice in the premises has been done the United States,' the court said, all of the judges concurring: 'The simple design of this section, as it appears to us, is to protect the Government against unconscionable

advantages gained over it without laches or mistake on the part of its officers; not to give it unconscionable advantages over claimants through such laches or mistake." (Child, Pratt and Fox case, 6 C. Cls. R., p. 52.)

These decisions were reaffirmed in the Indian depredation case of Joshua Gorham v. The United States and the Comanche and Kiowa Indians, decided February 19, last, in which case a motion for new trial was made and in which the argument was pressed by me, according to the opinion of the court, with "earnestness." In view of the construction thus given to section 1088 by the court, it does not seem probable that any step I might take by way of motion for new trial would now avail, though I dissent from the construction given to the statute by the court where the record shows that any defense of a jurisdictional character had not been originally made. Under the act of March 3, 1891, citizenship and amity both are jurisdictional and in my view must affirmatively appear before recovery can be had in any case.

But, independent of the law, I have not felt warranted in making any motion to impeach the validity or set aside any of the judgments under consideration for the want of evidence.

From the inquiries now in progress by the special agent, whom I have sent to obtain information, and from statements made to me by Senator Kyle, chairman of the subcommittee of the Senate on Indian depredations, I am only able, at this time, to inform your committee that it will probably appear that some persons married to Indian women and perhaps incorporated into the Sioux tribe under the treaty of 1868 and sharing the annuities of the Sioux (besides the few persons whose names I have given you as aliens) have obtained judgments in the Court of Claims on account of the alleged depredations of the Sioux, but how many or to what extent the judgments go, of this character, I am, of course, unable to state.

Herewith I hand to you extracts from the special assistant attorney's reports from the Pine Ridge and Rosebud agencies, with reference to persons having claims pending and those in judgment. It will be seen his work has just begun.

For want of more explicit data respecting the alleged irregularities in any of the judgments contained in Senate Executive Document No. 7, I am unable to make any recommendation which shall have the effect of discrediting the correctness of any of them, nor ought I to do so in justice to the claimants. But having placed your committee in possession of the statements and the reports which have come to me officially, I beg to suggest that if your committee shall deem it advisable to withhold the appropriation for the payment of any or all of the judgments, for the purpose of an examination into their regularity, it is but just to other claimants and the Department that a separate appropriation be provided, something like the following:

For the investigation and examination of the judgments rendered by the Court of Claims from and including the 11th. day of October, 1892, to and including the 22d day of June, 1893, the sum of six \$6,000, or so much thereof as may be necessary, and if it shall appear to the Attorney-General that the evidence is sufficient to warrant the belief that any of said judgments have been rendered upon inadequate proof, or false testimony of citizenship, or other jurisdictional facts, he shall cause the proper proceeding to be taken to set aside any such judgment; and upon motion to set aside any such judgment in the court rendering the same, the Court of Claims shall hear the same as if filed within the time prescribed by the rules of the court.

Very respectfully,

CHARLES B. HOWRY,
Assistant Attorney-General.

Hon. JOSEPH D. SAYERS,
House of Representatives, Washington, D. C.

ROSEBUD AGENCY, S. DAK., April 21, 1894.

SIR: The past week has been one of rain, snow, and heavy winds, making the roads impassable and rendering impracticable any attempt on my part to go into the country in search of information.

I have, however, searched the official records in regard to the names contained in exhibits 1 and 2 and inclose the information thereby obtained.

My arrival was made known to the different camps and I have received visits from many of the leading chiefs and warriors, and on Friday evening I rode to Big Turkey's camp, 16 miles from the agency, and addressed the Indians in council. I told them I was here to find the truth and to protect them from bad claims.

In this council were upwards of 300 men and women. Several chiefs, among them Crow Dog, High Hawk, Swift Thunder, Big Turkey, Two Strike, and Spot, addressed me and expressed their thanks and gratitude at my mission to them and their people.

The Indians are laboring under the impression that they can not or will not be held accountable for any depredations charged and proved against them. This erroneous impression has been industriously spread by claim agents until it has become a mat-

ter of faith with them. I have endeavored to correct the prevailing idea and to point out the exact words of the law. From every chief and every Indian I have heard nothing but emphatic opposition to paying the claims of the "squaw men." When Crow Dog announced in the Friday night council that "these people," i. e., "the white men who have married Indian women have lived with us and as of us, accepting bounty and receiving through their wives sustenance and annuities, and we do not recognize their right to ask of us payment for their horses and cattle," the assemblage acquiesced in grunts and expressions of approval. This feeling is strong and, so far as I know, unanimously expressed among the entire Sioux Nation. They say that the squaw men should take their chances with the Indians and not to bring suit against them. The feeling upon this subject is widely spread and pronounced.

On my arrival here I at once consulted with Mr. Mullen, acting agent, regarding the claims you intrusted to me, and learned that quite two-thirds of them pertained to Pine Ridge, therefore those claims I have put aside and have given attention only to those that belong to this agency. I presume that you are not definitely acquainted, any more than I was, with the geographical or topographical idea of this reservation. It is a vast tract, containing millions of acres and bounded by limits of from 60 to 100 miles. The 5,000 Indians live in different camps, or villages, scattered over all this great area. Few only live near the agency. To go to these separated camps one either goes on horseback or in wagons. Of course, an interpreter is always necessary if one desires to converse with them. In this connection I would like to have your permission to employ such interpreters as I may find necessary to my investigation. The official interpreter, that is, the interpreter stationed at the agent's office, is not allowed to leave the stockade, so I shall be obliged to hire such a one as may be recommended as trustworthy. Please to instruct me as to this point. I understand that the cost of an interpreter and his wagon is about \$5 or \$6 a day. I have established my headquarters at the Hess House here, where my room and board come to about \$20 per month. The board and the fare are equally low. I was informed to-day that the Senate had appointed a subcommittee to visit these agencies for the purpose of taking evidence and of looking into the very cases that you gave to me. Will you please to inform me of the fact, if it is a fact?

In regard to the claims arising out of the Sioux war of 1890-'91, I am of the opinion that we can get evidence enough to beat them; evidence both on the question of no amity and of the amount of damages. There are people at this agency—officials, priests, teachers, and others—who are knowing to many facts connected with such claims whose testimony can be had. Besides these are the officers and the soldiers of the various garrisons in this part of the country. Thus far I have addressed my inquiries to the facts contained in your instructions relative to the claimants who are squaw men or incorporated into the Sioux tribe. Here allow me to say that no such thing as incorporation has ever been known to these Sioux Indians. A white man married a full-blood or a half-blood and the wife and children drew rations and annuities. The words "legally incorporated," as they appear in the treaty of 1868, seem to have no significance among these people. I made no semiweekly report last week, because I had nothing to communicate. The state of the weather was such as to preclude my visiting the camps, and no chiefs came in for the same cause. It appears to me to be a good plan to hasten slowly at this point and to gather all the information I can, so that my progress may be clearer and easier in the future. If the record has been made in any of the cases given to me, I wish that I could be furnished with it, so that I may know the witnesses and what they said.

In exhibit 2 there are several names which I have not been able to investigate, but will do so at once.

William F. Schmidt, a half-breed, has a claim which he says he will withdraw. Please to send to me the proper papers for such withdrawal.

I am, truly, yours,

CHARLES R. CORNING.

HON. CHARLES B. HOWRY,
Assistant Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 2, 1894.

Louis Bordeaux (judgment \$1,350, April 25, 1892).

In exhibit 1 of the ten claimants, one only lives at or in the Rosebud Reservation, viz: Louis Bordeaux, administrator, in whose favor a judgment of \$1,350 has been rendered. The other claimants are at Pine Ridge.

Louis Bordeaux is a half breed, about 45 years old. He is on the rolls here, draws rations and annuities, and is classed as an Indian. He is employed here as one of the district farmers. He is not a citizen of the United States. He received from

this judgment about \$1,100, attorneys' fees making the difference. He has other claims against the Sioux and the United States. All his family draw rations and annuities. Old man Bordeaux (James B.) was a squaw man, but did not draw rations or annuities.

In exhibit 2 the following claimants or families live on the Rosebud Reservation, viz: Du Brey or Bray, Bordeaux, Gallineaux, Schnegeman, Bridgeman, Gareaux or Gireaux, Raymond, Launderman, Prue Columb, Demarche, Larvie, Chabboneaux, Borien, Dion, Beauvais, Dorien, Morin, Lamoureux, and Larmeaux. All the rest are at Pine Ridge.

Du Brey or Bray.

This Du Brey or Bray is about 55 years old. He draws rations and annuities as does his wife and two children. He is a white man. He participates in all the rights of a full-blooded Sioux.

Antoine Du Brey (claim pending).

He is a white man, aged 68, and he draws rations and annuities, as do his family, viz: Jennie, aged 45; Maggie, aged 18; John, 16; Josephine, 12; Peter, 10; Lucy, 8; John (†), 6; Laurena, 4; Emma, 3; Nellie, 19; James, 38.

E. W. Raymond (suit pending). (See supplemental report, p. 5.)

E. W. Raymond is a white man drawing rations and annuities here. He is a pensioner of the Mexican war, and his age is 69 years. His family consist of Betsie, wife, age 56; William, 38.

John Colomb (three suits pending).

John Colomb is dead. He was a white man. I am informed that he took out his first papers but was never a full citizen. He drew rations and annuities while living. His family live here and all draw rations and annuities, and consist of Jennie, married, 34; Emily, married, 32; John, 30; Edward, 25; David, 22; Christopher, 20; William, 16; Minnie, 16.

Joseph Laravie (four suits pending).

Joseph Laravie is dead. He never drew rations or annuities at Rosebud, but he may have drawn such at Pine Ridge. He was transferred to this agency from Pine Ridge. He was a white man. His family, living here at Rosebud, all draw rations and annuities, viz: Mary, wife, aged 53; Alex, 33; Philip, 37; Thomas, 30; Rose, 25; Joseph, 23; Richard, 21; Joe, 37; William (Pine Ridge); Mrs. Dunn, who probably draws rations, etc., at Pine Ridge.

John Dion (suit pending).

John Dion was a white man. He is dead. His family live here and draw rations and annuities. Robert Dyer, his administrator, is a citizen, but his family draws rations, etc.

G. P. Beauvais (nine suits pending).

Beauvais was an Indian trader. He had an Indian family and a white family. The Indian family lived at Rosebud and the white family at St. Louis, Mo. His daughter living here draws rations and annuities. I am unable to give further information at this time.

Clement Lamoureux (suit pending).

This claimant is white and probably a citizen (see supplemental report below).

I understand that he is president of a bank in O'Neill, Nebr. His family live here and all draw rations and annuities. I am unable to give definite information of this man now, as certain facts regarding him are not known to the officials at this agency. I have an idea that he was once in partnership with old man Bordeaux, and that both have filed the same claim. His Rosebud family consists of George, aged 24; Oliver, 23; Sarah, 56; William, 17; Sallie, 13; Lina, 19; Lewis, 27; Ida Parker, 29 (this woman lives in Nebraska, but comes here to draw annuities, etc.).

SUPPLEMENTAL REPORT.

Clement Lamoureux was born in Canada and was never naturalized. He was in the employ of the Hudson Bay and the American Fur Companies when a young man. He has had 2 squaw wives. He is one of the really prosperous men on the Rosebud Reservation, owning several hundred head of cattle and horses. He lives in a frame house and has a most comfortable home. His family all draw rations and annuities. He is a man of good intelligence, but he is incorporated into the Sioux Nation under the treaty of 1868. He expressed himself to me as indifferent to his claim. He thought the Government would pay the judgment and not the Sioux funds.

Enoch W. Raymond (see p. 2).

Raymond is a white man, born in Sullivan County, N. Y. He is about 75 years old. He came into the West in 1849. He married a squaw and has one son. He served in the Mexican war and receives a pension therefor of \$8 a month. He was adopted or incorporated into the Sioux Nation under the treaty of 1868. He is

a man of some property. He is regarded as an honest and straightforward man. The agent here and everyone speaks well of him. The log cabin that he now lives in and has lived in for seventeen years would not indicate that he ever possessed \$6,000 worth of property in 1863, or that his house was worth \$2,000 and his stable \$1,000. His entire home property now would not amount to \$500. His claim, No. 1891 (the only one I have with me), is not against the Sioux, but against the Cheyennes.

Francis C. Boucher (judgment, \$225).

Charles H. Ellston (judgment, \$900).

Both these men are squaw men, who were incorporated into the Sioux tribe under the treaty of 1868. Both have had lands allotted to them and both draw rations and annuities. It was only last week when these men received \$10 a week as their share of the yearly payment. To all intents and purposes they are Sioux Indians.

EXPENSES U. S. COURTS.

STATEMENT OF MR. HENRY HODGES, CLERK, DEPARTMENT OF JUSTICE.

Mr. SAYERS. House Ex. Doc. No. 184, June 1, pay of special assistant attorneys. Where did these special assistants reside and under what circumstances were they employed?

Mr. HODGES. William P. Miller was employed in North Dakota. He was employed for a term of court by the Attorney-General specially to assist in some emergency, the exact character of which I do not know. He was employed in Sioux Falls at an extended term of court there. James Lyon lives in Richmond, Va., and these services were rendered in pension-fraud cases. C. S. Whitman is attorney for the United States, and has been a long while engaged on the Bell-telephone cases in court in Massachusetts.

Mr. SAYERS. When you return to the Department I wish you would address me a letter giving the particulars of the employment of the attorneys, and where the services were rendered.

Mr. HODGES. Those men have been paid since this deficiency was submitted, and we do not now want the money.

Mr. SAYERS. House Document No. 201, pay of bailiffs, U. S. courts, \$15,000. That is for 1894.

Mr. HODGES. \$10,000 of it is the remainder of the original deficiency estimated for in document 103. Pay of bailiffs was estimated at \$35,000, and you gave us \$25,000. This \$10,000 is part of that.

Mr. SAYERS. Do you regard \$10,000 as absolutely necessary?

Mr. HODGES. Yes, sir; we ought to have \$15,000. We have not had any money for pay of bailiffs for four weeks. That is explained in Ex. Doc. 201. It grows out of the fact that the expenses are larger than last year, because last year the per diem paid to judges of the circuit court of appeals was out of the miscellaneous expenses, and this year it is paid out of pay of bailiffs. It takes about \$5,000.

Mr. SAYERS. You have another estimate for \$15,000.

Mr. HODGES. \$10,000 was remaining of the \$35,000 this year, and that leaves \$15,000.

Mr. CANNON. The next is the Paralto Reavis case.

Mr. SAYERS. In what court is that pending?

Mr. HODGES. That is pending in the court of private land claims. That involves a large tract of land containing 12,500,000 acres, which is claimed by the heirs of Paralto Reavis.

Mr. SAYERS. It is for the purpose of employing assistant counsel?

Mr. HODGES. Yes, sir. The Attorney-General has approved an account for this service of \$5,000 already, looking to this appropriation to be paid.

Mr. SAYERS. We have passed in the legislative bill an appropriation of \$16,000 in order to enable that court to complete its work by the 31st of December, 1895. Can you not use a part of that \$16,000 in the expenses of those suits?

Mr. HODGES. We can use that in this suit alone. It is not an ordinary case. You can not get the ordinary evidence here, but you must send to Spain and have a man stay and investigate the public records and judgments and documents in order to get at the fraudulent character of this claim. It is a manufactured claim. It has been allowed to lie for a long time with the hope that at some propitious time it would be sprung when the evidence of its fraudulent character would be missing. The man engaged upon that case has worked since December, and he has not received a cent of compensation. He pays his expenses out of his own pocket.

Mr. SAYERS. Who is the attorney in that case?

Mr. HODGES. Malle Prevost is the attorney. He was appointed upon strong recommendations.

Mr. SAYERS. Does he live in New Mexico?

Mr. HODGES. No; he is not implicated in any of those cases down there.

Mr. SAYERS. When was this suit instituted?

Mr. HODGES. I think it was in August or September last.

Mr. SAYERS. Was it instituted by the Government or by the claimant?

Mr. HODGES. It was instituted by the claimants of Paralto Reavis. The difference between this appropriation of \$16,000 and the one mentioned is this: these expenses are limited to the large land case, because the U. S. attorney has never had anything to do with it, and can not attend to it. The \$16,000 is given him for additional assistance, upon which he must rely.

Mr. SAYERS. Have you any expectation that this suit will be terminated by the 31st of December, 1895?

Mr. HODGES. I can not answer that, because I do not know the circumstances.

Mr. SAYERS. The attorney in charge of the case on behalf of the Government secured that evidence?

Mr. HODGES. Yes, sir; he left two weeks ago last Saturday for Spain. He was trying to get some money from the Attorney-General to pay his expenses, but could not do it.

Mr. SAYERS. Do you know what the Attorney-General has contracted to pay this lawyer for his services?

Mr. HODGES. I do not know, but I suppose he pays him according to the custom. He has agreed to pay him \$5,000 for his services up to the 15th of May.

Mr. SAYERS. Has the Government parted with its title to this land?

Mr. HODGES. That is the understanding.

Mr. LIVINGSTON. Then what are you defending the suit for?

Mr. HODGES. To protect the guarantee of title. They sue the United States. They do not sue these parties.

Mr. SAYERS. Please explain the necessity for each one of these items in Ex. Doc. 211. In the deficiency bill lately passed, my impression is that we gave you something on these items. Have those appropriations been taken into account?

Mr. HODGES. Yes, sir; that is explained here. This is the best we can do.

Mr. CANNON. And this expenditure has been, or will be, for the remainder of this year.

Mr. HODGES. Yes, sir. The first item is \$50,000 for marshals and arises from the extraordinary expenses in connection with men who have been seizing railroad trains in the Northwest.

Mr. LIVINGSTON. The Coxeyites! Is it possible that the Government is going to be called upon to settle that? Why not let the railroads attend to it?

Mr. HODGES. The railroads do not arrest these men and hold them in custody during their trial in court.

Mr. SAYERS. Do you absolutely need all of this \$50,000?

Mr. HODGES. Yes, sir; we sent \$5,000 to the marshal in Washington about four weeks ago, and the Attorney-General ordered \$10,000 more to be sent to him this week. That makes \$15,000 out of the \$20,000 wanted for this purpose, and probably we will use more than that, although the Attorney-General is cutting it down wherever he can, and has told them that expenses must be reduced as far as possible and still see that the law is carried out. There are similar expenses in Idaho, Wyoming, and Montana; besides that, there are expenses for which we have no data, and for which we can not make an estimate. If you get off with \$50,000 you will be doing very well.

Mr. CANNON. The next item is fees of United States jurors for 1894, \$80,000.

Mr. HODGES. You gave us all we asked last year. It was believed when it was made that it would be sufficient, but since that we find we can not handle the requisitions made by marshals. The accounts were examined to see where more juror money was spent, this year than last, and to ascertain the reasons as far as possible. The result showed that there were in the hands of the marshals at that time about \$100,000 not expended. That money averages a little over \$1,000 for each marshal, which is not too much money for them to have on hand to meet current expenses. And now the question arises, how we can get at the proper amount of appropriation for a deficiency in this matter. If you take the amount appropriated and divide it by the ten months in which it was disbursed, you will find the disbursements per month. For two years that would make about \$150,000. The amount is in this private letter. The estimate was the best division we could make out of the \$100,000 in the hands of marshals. There would be \$50,000 available to pay current expenses, leaving \$50,000 to be appropriated for the remainder of the year. That is gauged somewhat upon the fact that at the close of the fiscal year 1893 there were found to be \$32,000 in the hands of marshals who had no use for it. It was returned and redistributed. After it was redistributed there was still left \$15,000 deficiency, which

we are now asking for. If \$32,000 was returned last year, it is probable that there would be \$50,000 returned this year, because the deficiency bill was passed earlier.

Mr. CANNON. Your estimate is \$80,000 for fees of jurors for 1894?

Mr. HODGES. Yes, sir; and add \$50,000 to \$80,000, and you have \$130,000. That is according to the ratio of distribution.

Mr. SAYERS. So that you will absolutely need all of the \$80,000?

Mr. HODGES. I can not see any way to avoid that conclusion.

Mr. CANNON. As to fees of witnesses for 1894—

Mr. HODGES. Some places are increasing jurors' fees. There was an increase of \$50,000 in the District of Columbia this year over last year. That is a large item out of our appropriation. I have a letter which explains it.

Mr. CANNON. You are satisfied that you will require \$150,000 for fees of witnesses?

Mr. HODGES. It will go over that rather than under it.

Mr. SAYERS. Is the item of fees of supervisors of elections an ascertained deficiency?

Mr. HODGES. Yes, sir.

Mr. SAYERS. For legal services rendered the United States?

Mr. HODGES. Yes; it is at the bottom of page 2.

Mr. LIVINGSTON. Where were those services rendered?

Mr. HODGES. In Utah.

Mr. CANNON. They were prosecuted, it seems, by the U. S. attorney, and therefore you had to employ counsel?

Mr. HODGES. Yes, sir.

Mr. SAYERS. I called at the Department of Justice and asked you for a letter in reference to that.

Mr. HODGES. I sent that.

Mr. SAYERS. Let it go in the record. In addition, I desire that you will send to the committee an exhibit showing the amount of deficiency now actually existing on account of each appropriation under your Department.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 23, 1894.

SIR: Department letter of May 1, 1894, Ex. Doc. 211, presented requests for further deficiency appropriations as follows:

Fees of jurors, 1894	\$80,000
Fees of witnesses, 1894	150,000

The appropriations made, original and deficiency, for these expenses are exhausted.

The appropriations for fees of jurors for 1894 have been \$650,000. All this amount was advanced to marshals early in May, 1894, being an advance of \$65,000 per month, leaving no money for further advances for the months of May and June, 1894. If as much money is needed for the months of May and June (at the rate of \$65,000 a month), the amount required will be \$130,000.

Exhibits A and B, which are forwarded herewith, show that \$100,000 was, on May 10, 1894, in the hands of the marshals unexpended under this appropriation, a portion of which was for defraying expenses prior to May 1, 1894. What per cent of the \$100,000 naturally belongs to prior expenses will determine the amount that should be appropriated. As far as the data in the hands of the Department point, it is thought that no better solution of the difficulty can be found than to suppose that of the \$100,000 in the hands of the marshals for fees of jurors for 1894 \$50,000 might be considered as available for defraying the expenses of May and June. If this assumption approximates the truth, the \$50,000 taken from the \$130,000 would leave \$80,000 as the amount that should now be appropriated.

The supposed deficiency for fees of witnesses, 1894, is \$150,000.

The appropriations for this purpose for the present fiscal year amount to \$1,150,000. It was all advanced to marshals by May 10, 1894, which makes an advance of \$115,000 a month. This rate, applied to the months of May and June, 1894, would show a deficiency of \$230,000.

Referring to Exhibits A and B, already mentioned, it is seen that there was on May 5 to 12, 1894, a little over \$100,000 in the hands of marshals unexpended. If the same method of reasoning is applied to the appropriation "fees of witnesses" as is above applied to the appropriation "fees of jurors" it may be reasonable to suppose that some portion of the \$100,000 will be available for witnesses in May and June. It is difficult to say what portion should be considered as available. Marshals at times make requisition for more witness money for a term of court than is necessary. It is possible that of the \$100,000 there is \$80,000 available for May and June. This amount deducted from the \$230,000 above mentioned leaves a deficiency of \$150,000.

This is the basis of the Department calculation, a calculation that is supported by the requisitions of marshals, heretofore received in the Department, that have not been honored. These requisitions show that the marshals asked \$163,545.10 more than they have received.

I submit below a list of the districts where money is now needed for jurors and witnesses, 1894.

District.	Jurors.	Witnesses.
Alabama, northern district		\$14,161.00
Alabama, middle district	\$4,000.00	17,000.00
Alabama, southern district	200.80	3,000.00
Alaska	100.00	400.00
Arizona	1,000.00	500.00
Arkansas, eastern district	2,000.00	2,000.00
Arkansas, western district	8,000.00	
California, northern district	1,500.00	
Delaware	17.80	74.00
District of Columbia		1,500.00
Florida, northern district	2,000.00	6,000.00
Georgia, northern district	1,000.00	5,000.00
Georgia, southern district	3,000.00	10,000.00
Idaho	4,000.00	
Illinois, northern district	1,000.00	
Illinois, southern district	3,500.00	9,000.00
Indian Territory		10,000.00
Iowa, northern district	2,500.00	2,000.00
Iowa, southern district	5,000.00	5,000.00
Kansas	3,000.00	
Kentucky	3,000.00	2,000.00
Louisiana, eastern district	5,000.00	
Louisiana, western district	2,000.00	500.00
Massachusetts	2,500.00	
Maine	500.00	500.00
Michigan, eastern district	1,774.00	
Minnesota	3,500.00	
Mississippi, northern district	2,800.00	900.00
Mississippi, southern district	500.00	3,500.00
Missouri, eastern district	2,500.00	3,000.00
Missouri, western district		1,000.00
Montana	3,000.00	1,200.00
Nebraska	200.00	3,000.00
New Jersey	1,000.00	
New Mexico	3,500.00	1,500.00
New York, northern district		500.00
New York, eastern district	500.00	
New York, southern district	3,000.00	
North Carolina, eastern district	900.00	2,000.00
North Carolina, western district	1,000.00	10,400.00
North Dakota	3,000.00	1,000.00
Ohio, northern district	1,500.00	
Ohio, southern district	1,445.00	
Pennsylvania, eastern district	1,376.40	
Pennsylvania, western district	1,486.50	257.40
South Carolina	2,000.00	8,152.70
South Dakota	2,000.00	3,000.00
Tennessee, eastern district		5,000.00
Tennessee, middle district		2,000.00
Tennessee, western district	1,000.00	3,000.00
Texas, northern district	4,000.00	2,000.00
Texas, eastern district	3,000.00	10,000.00
Texas, western district	4,000.00	
Utah	3,000.00	
Virginia, eastern district	1,000.00	1,000.00
Virginia, western district	1,000.00	5,000.00
West Virginia		5,000.00
Washington	2,000.00	500.00
Wisconsin, western district	2,000.00	2,000.00
Total	112,800.50	163,545.10

It will be seen, by reference to Ex. Doc. 211, p. 4, that the increase of fees of jurors in 1894, over similar expenses in 1893, was principally in the northern district of Alabama, Arizona, District of Columbia, northern district of Illinois, Kansas, Minnesota, Missouri, western district New Mexico, northern district of New York, Oregon, middle district of Tennessee, western district of Tennessee, eastern district of Texas, Washington, and West Virginia.

In districts where there is an increased expense of jurors there must be an increased expense of witnesses. It may be assumed then that in the States mentioned the general increase of expenses has been incurred.

Besides exhibits A and B, above mentioned, herewith are forwarded copies of telegrams received from marshals.

Very respectfully,

RICHARD OLNEY,
Attorney-General.

Hon. JOSEPH D. SAYERS,
Chairman Committee on Appropriations, House of Representatives.

EXHIBIT A.—Statement showing the advances to marshals of the U. S. courts incurred in the fiscal year 1894.

Judicial district.	Marshals.	Jurors.	Witnesses.	Prisoners.	Bailiffs.	Miscellaneous.
Alabama, northern.....	\$27,659.84	\$12,000.00	\$44,000.00	\$10,000.00	\$1,350.00	\$2,112.50
Alabama, middle.....	28,454.05	6,082.00	38,500.00	4,000.00	1,220.00	656.00
Alabama, southern.....	6,919.95	4,283.00	21,500.00	4,400.00	907.00	591.81
Alaska.....	3,724.70	2,150.00	750.00	7,500.00	300.00	1,405.00
Arizona Territory.....	14,220.88	12,500.00	15,000.00	7,200.00	1,700.00	3,486.15
Arkansas, eastern.....	9,512.81	12,500.00	13,000.00	6,000.00	2,470.00	2,700.00
Arkansas, western.....	31,500.00	18,500.00	82,500.00	26,500.00	4,275.00	3,625.00
California, northern.....	7,330.01	9,000.00	8,670.25	17,000.00	7,500.00	8,578.07
California, southern.....	4,700.00	2,500.00	6,000.00	2,000.00	1,500.00	2,480.61
Colorado.....	4,417.78	5,900.00	4,000.00	1,800.00	1,400.00	2,297.40
Connecticut.....	1,710.79	1,300.00	500.00	450.00	1,400.00	600.00
Dakota.....						
Delaware.....	1,850.00	2,500.00	2,385.00	800.00	1,900.00	600.50
District of Columbia supreme court.....	7,000.00	41,550.00	7,519.12	44,986.31	16,025.00	26,469.22
U. S. Supreme Court.....						38,000.00
Florida, northern.....	8,646.78	10,000.00	19,000.00	3,200.00	950.00	1,353.00
Florida, southern.....	1,500.00	2,600.00	1,100.00	1,200.00	1,174.00	1,170.00
Georgia, northern.....	27,151.29	9,500.00	36,400.00	9,800.00	1,800.00	2,300.00
Georgia, southern.....	8,000.00	5,000.00	7,900.00	2,000.00	2,000.00	500.00
Idaho Territory.....	3,766.98	4,700.00	5,700.00	4,500.00	650.00	1,225.00
Illinois, northern.....	5,000.00	18,300.00	6,270.00	9,682.00	4,500.00	3,632.00
Illinois, southern.....	10,576.02	13,500.00	18,500.00	1,280.00	2,250.00	2,738.50
Indian Territory.....	26,814.40	16,000.00	61,000.00	26,400.00	1,800.00	1,800.00
Indiana.....	5,125.85	9,000.00	9,000.00	9,000.00	2,500.00	2,000.06
Iowa, northern.....	4,384.02	6,727.00	9,069.35	6,968.00	1,000.00	800.00
Iowa, southern.....	9,663.54	6,800.00	13,300.00	7,700.00	1,475.00	400.00
Kansas.....	5,500.00	14,000.00	18,700.00	6,000.00	2,450.00	1,589.20
Kentucky.....	15,351.14	12,300.00	44,980.70	10,000.00	2,250.00	300.00
Louisiana, eastern.....	2,000.00	8,000.00	5,500.00	1,050.00	8,250.00	2,512.40
Louisiana, western.....	2,600.00	1,500.00	2,400.00	1,500.00	725.00	1,600.00
Maine.....	4,592.77	5,428.00	7,078.00	2,090.00	1,450.00	1,230.00
Maryland.....	2,000.00	6,000.00	4,000.00	3,000.00	3,340.00	1,278.80
Massachusetts.....	4,484.48	7,500.00	8,000.00	3,500.00	8,000.00	5,793.28
Michigan, eastern.....	3,000.00	7,828.00	3,200.00		2,032.00	266.00
Michigan, western.....	3,700.00	6,000.00	5,000.00	1,500.00	1,250.00	450.00
Minnesota.....	7,928.23	16,693.00	17,950.00	10,600.00	4,105.00	3,786.95
Mississippi, northern.....	9,885.54	7,000.00	20,000.00	3,000.00	650.00	150.00
Mississippi, southern.....	10,033.72	8,499.00	15,350.00	3,550.00	1,068.00	453.00
Missouri, eastern.....	6,000.00	7,500.00	14,800.00	1,500.00	3,100.00	1,541.35
Missouri, western.....	6,500.00	14,300.00	15,236.00	7,934.78	1,270.00	1,145.00
Montana.....	9,300.00	2,700.00	8,500.00	7,500.00	550.00	2,860.00
Nebraska.....	6,963.17	11,700.00	12,000.00	5,500.00	1,176.00	450.00
Nevada.....	2,873.14	1,275.00	1,684.00	8,900.00	692.00	225.00
New Hampshire.....	1,261.15	2,300.00	1,300.00	1,000.00	550.00	700.00
New Jersey.....	2,341.38	4,500.00	4,500.00	3,800.00	1,000.00	200.00
New Mexico.....	13,517.59	23,500.00	19,500.00	4,500.00	3,600.00	10,323.93
New York, northern.....	4,500.00	8,100.00	29,400.00	10,780.36	4,825.00	4,824.00
New York, eastern.....	3,500.00	2,000.00	1,500.00	6,310.93	3,050.00	1,045.75
New York, southern.....	6,500.00	7,050.00	3,250.00	200.00	14,374.00	16,788.07
North Carolina, eastern.....	3,200.00	3,700.00	5,320.00	1,050.00	450.00	690.00
North Carolina, western.....	21,280.81	7,500.00	35,000.00	5,819.00	730.00	570.00
North Dakota.....	18,231.50	8,345.20	12,880.30	5,000.00	1,550.00	1,962.00
Ohio, northern.....	5,000.00	5,000.00	4,200.00	2,700.00	2,250.00	2,270.50
Ohio, southern.....	3,500.00	6,500.00	9,200.00	11,250.00	2,250.00	6,130.45
Oklahoma.....	36,696.93	10,613.00	27,251.00	8,919.00	3,396.00	7,486.75
Oregon.....	20,010.78	12,800.00	10,015.00	5,200.00	2,623.00	5,258.33
Pennsylvania, eastern.....	5,500.00	8,900.00	4,100.00	7,100.00	3,670.00	6,942.68
Pennsylvania, western.....	1,612.77	12,500.00	8,000.00	5,200.00	1,315.00	1,067.00
Rhode Island.....	2,058.64	1,200.00	800.00	700.00	2,850.00	260.00
South Carolina.....	13,400.00	9,100.00	35,000.00	9,803.00	1,802.00	1,616.32
South Dakota.....	10,537.00	16,500.00	20,000.00	7,759.90	900.00	1,118.00
Tennessee, eastern.....	23,145.40	7,475.00	23,000.00	2,000.00	1,000.00	1,100.00
Tennessee, middle.....	10,016.98	11,757.00	16,000.00	3,800.00	2,355.00	5,561.09
Tennessee, western.....	5,500.00	11,000.00	13,000.00	1,450.00	3,500.00	1,951.74
Texas, northern.....	5,000.00	11,300.00	5,570.00	1,300.00	1,800.00	2,443.90
Texas, eastern.....	40,000.00	20,500.00	67,200.00	14,120.00	2,500.00	2,750.00
Texas, western.....	12,410.03	10,600.00	26,800.00	13,800.00	1,300.00	1,450.00
Utah.....	4,227.54	12,000.00	10,500.00	2,000.00	3,800.00	2,400.00
Vermont.....	3,000.00	2,400.00	2,862.00	800.00	450.00	409.00
Virginia, eastern.....	5,000.00	5,000.00	3,000.00	1,150.00	2,600.00	1,900.00
Virginia, western.....	6,946.32	8,950.00	39,000.00	3,200.00	800.00	723.80
West Virginia.....	20,401.80	17,000.00	41,000.00	11,000.00	1,100.00	1,100.00
Washington.....	22,785.45	18,200.00	14,900.00	17,200.00	2,200.00	3,189.84
Wisconsin, eastern.....	4,685.51	3,200.00	6,255.00	2,700.00	1,676.00	800.00
Wisconsin, western.....	5,219.54	4,700.00	5,750.00	810.00	1,008.00	50.00
Wyoming.....	2,969.08	4,900.00	10,400.00	3,000.00	650.00	550.00
Total.....	706,293.06	671,105.20	1,156,095.72	464,391.26	182,329.00	229,278.01

EXHIBIT B.—Statement showing the expenditures of the marshals of U. S. courts and U. S. commissioners incurred in the fiscal year 1894.

Judicial district.	Marshals.	Jurors.	Witnesses.	Prisoners.	Bailiffs.	Miscellaneous.	Commissioners.
Alabama, northern.....	\$27,659.84	\$10,248.40	\$43,997.70	\$9,320.60	\$1,109.75	\$1,753.26	\$4,249.65
Alabama, middle.....	28,452.97	5,046.90	36,487.48	2,824.41	900.00	353.75	5,293.20
Alabama, southern.....	6,919.95	2,483.80	20,238.70	215.65	779.00	300.81	2,025.05
Alaska.....	3,724.70	2,160.00	750.00	750.00	300.00	1,405.00	455.50
Arizona.....	14,220.88	10,334.85	12,052.45	4,328.45	1,237.00	3,486.14	1,646.45
Arkansas, eastern.....	9,300.66	11,023.30	11,059.85	3,998.45	1,814.90	2,318.65	858.55
Arkansas, western.....	31,500.00	18,011.95	82,500.00	26,500.00	2,778.50	2,624.85	5,269.85
California, northern.....	6,830.01	9,000.00	8,670.25	17,000.00	6,176.75	7,788.05	1,015.50
California, southern.....	4,700.00	2,500.00	6,000.00	2,000.00	1,500.00	2,480.41	1,120.40
Colorado.....	4,217.78	5,208.45	2,140.10	1,508.53	1,058.25	2,194.98	448.80
Connecticut.....	1,710.79	1,060.10	360.81	370.40	1,399.00	124.60	444.90
Delaware.....	1,680.00	2,140.65	2,359.50	70.50	1,618.00	355.26	461.25
District of Columbia supreme court.....	6,000.00	34,674.00	3,912.67	42,116.46	15,660.00	24,792.85	100.20
U. S. Supreme Court.....						25,879.20	
Florida, northern.....	11,443.32	7,300.03	18,135.16	2,874.45	899.00	1,250.61	1,986.35
Florida, southern.....	1,405.58	2,018.10	426.20	1,104.40	1,096.00	131.97	134.60
Georgia, northern.....	27,130.06	9,493.80	36,397.62	9,600.00	1,798.50	2,288.63	8,995.24
Georgia, southern.....	7,939.01	4,715.65	7,076.44	775.95	1,956.00	422.80	639.45
Idaho.....	3,766.98	4,977.00	5,032.02	5,334.40	183.00	844.42	72.35
Illinois, northern.....	4,850.00	17,600.00	5,470.00	9,661.76	4,250.40	3,507.00	1,459.15
Illinois, southern.....	10,076.02	10,961.60	17,336.50	1,280.00	2,122.00	2,618.96	1,003.95
Indian Territory.....	25,928.67	11,474.00	60,194.95	26,136.85	1,078.00	1,067.35	3,825.60
Indiana.....	4,979.56	5,999.70	5,447.45	5,393.16	2,412.00	1,583.26	669.75
Iowa, northern.....	4,384.02	6,727.00	9,639.50	4,466.00	838.50	332.80	1,494.30
Iowa, southern.....	9,163.54	5,300.00	11,348.10	5,700.00	1,191.00	200.00	1,882.50
Kansas.....	5,500.00	11,368.30	18,082.60	1,500.00	1,706.20	1,176.20	749.75
Kentucky.....	15,351.14	12,052.95	40,826.32	4,900.35	1,726.50	197.54	3,959.75
Louisiana, eastern.....	1,203.40	788.00	3,400.00	450.00	6,850.50	2,000.70	809.75
Louisiana, western.....	2,035.14	1,471.00	1,739.00	230.35	537.00	93.85	199.70
Maine.....	4,008.78	3,669.70	4,976.40	649.64	875.50	636.11	420.05
Maryland.....	2,000.00	4,003.00	3,324.05	2,526.64	2,967.00	1,178.21	503.40
Massachusetts.....	4,252.95	6,734.05	7,057.48	2,236.67	7,089.42	5,089.99	1,813.90
Michigan, eastern.....	2,125.00	5,848.80	2,027.55	1,023.20	1,664.00	189.85	899.10
Michigan, western.....	3,630.00	6,345.40	4,450.00	1,023.20	1,296.52	200.00	272.55
Minnesota.....	7,926.23	16,413.10	17,049.75	10,580.00	398.74	3,488.23	839.15
Mississippi, northern.....	8,885.54	6,803.75	16,000.00	1,780.85	624.00	30.50	65.35
Mississippi, southern.....	10,033.72	7,146.50	14,009.08	1,802.15	878.00	326.85	337.85
Missouri, eastern.....	6,000.00	7,500.00	14,800.00	1,500.00	3,109.00	1,541.35	1,555.25
Missouri, western.....	6,087.85	12,051.45	14,630.28	4,934.76	1,091.00	840.24	1,394.96
Montana.....	9,055.00	5,700.00	7,927.40	7,500.00	459.00	2,715.05	154.15
Nebraska.....	6,903.17	6,585.80	9,560.75	2,391.45	1,030.00	281.25	716.45
Nevada.....	2,601.42	775.00	1,200.00	8,066.00	344.00	125.00	184.10
New Hampshire.....	615.05	1,600.60	725.37	507.89	293.68	647.14	8.75
New Jersey.....	2,341.38	4,049.80	3,114.76	2,060.10	1,560.00	30.25	62.70
New Mexico.....	13,517.59	22,176.85	15,300.70	4,290.53	2,401.60	10,137.16	2,072.75
New York, northern.....	4,000.00	6,020.10	25,378.44	16,740.43	4,673.00	4,472.48	3,756.75
New York, eastern.....	2,700.00	2,000.00	1,150.50	6,310.93	3,050.00	1,015.85	953.10
New York, southern.....	5,000.00	6,986.00	3,247.57	200.00	14,215.75	16,259.48	605.75
North Carolina, east- ern.....	2,917.37	3,308.40	5,320.00	639.70	292.00	319.62	1,250.20
North Carolina, west- ern.....	20,358.71	6,251.05	27,422.00	692.85	399.50	372.08	17,036.92
North Dakota.....	18,231.50	7,545.24	8,957.30	1,000.00	1,059.00	1,462.00	69.20
Ohio, northern.....	5,000.00	5,000.00	3,125.40	1,109.92	9,968.55	1,584.56	821.05
Ohio, southern.....	3,500.00	6,700.00	9,200.00	11,250.00	2,250.00	6,130.45	867.40
Oklahoma.....	36,696.93	7,734.60	19,408.40	5,838.50	2,556.00	5,094.54	1,224.30
Oregon.....	20,010.78	8,879.85	6,770.20	4,933.66	2,207.24	2,344.19	1,977.80
Pennsylvania, east- ern.....	4,271.40	8,376.40	2,793.21	5,599.57	3,190.35	6,396.47	845.05
Pennsylvania, west- ern.....	1,182.77	10,186.50	5,221.00	5,200.00	1,288.00	1,005.25	384.75
Rhode Island.....	1,541.33	741.20	346.55	410.58	1,951.25	85.13	203.10
South Carolina.....	12,400.00	7,392.00	29,126.28	7,799.75	1,700.00	1,281.94	8,436.62
South Dakota.....	10,187.00	13,855.50	15,996.96	4,216.35	622.00	898.23	203.40
Tennessee, eastern.....	23,145.40	6,131.55	22,998.81	1,954.96	1,838.00	60.60	15,417.25
Tennessee, middle.....	9,775.86	10,929.70	14,877.00	2,478.45	1,965.05	3,828.89	4,569.35
Tennessee, western.....	5,500.00	9,485.60	12,992.30	786.25	2,932.40	1,786.73	1,150.15
Texas, northern.....	5,000.00	9,724.40	5,567.10	895.64	1,466.16	2,100.23	609.00
Texas, eastern.....	35,886.20	18,011.05	63,405.85	14,120.00	1,948.00	1,670.00	7,246.65
Texas, western.....	12,410.03	10,600.00	28,554.85	13,601.50	1,300.00	1,358.46	2,318.20
Utah.....	4,227.54	13,300.00	10,360.00	200.00	3,800.00	1,761.23	372.45
Vermont.....	2,716.27	1,989.30	2,048.25	505.96	287.00	276.39	
Virginia, eastern.....	4,339.28	5,748.80	5,860.40	650.00	2,600.00	1,578.00	824.20
Virginia, western.....	6,671.92	6,742.55	38,909.13	1,920.83	622.00	494.26	4,570.50
West Virginia.....	19,401.80	12,992.00	43,888.15	5,076.75	1,029.05	421.75	1,710.65
Washington.....	22,785.15	15,209.85	13,173.25	14,553.06	2,090.35	2,804.98	3,104.95
Wisconsin, eastern.....	4,195.51	2,200.00	5,041.00	1,700.00	1,640.00	720.00	448.60
Wisconsin, western.....	5,210.51	4,700.00	5,750.00	662.55	919.60	41.35	133.00
Wyoming.....	2,469.08	3,790.00	8,602.41	994.40	415.00	359.35	112.44
Total.....	684,410.77	571,253.33	1,054,206.51	382,294.57	157,138.06	189,608.77	142,954.53

EXHIBIT C.

ALABAMA, NORTHERN DISTRICT.

BIRMINGHAM, ALA., *May 11, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C.:

Court in session during fiscal year 1893 seventy-two days wherein witnesses and jurors were paid and one hundred days to date in 1894. During present fiscal year we have had three extra or special terms of court. We had two full grand juries present term. Witnesses and petit jurors again required to be in attendance on and from 21st instant. We owe \$4,161 to circuit-court witnesses and about \$10,000 to commissioners' witnesses.

MUSGROVE,
U. S. Marshal.

ARIZONA.

TUCSON, ARIZ., *May 10, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C.:

Data asked for in your telegram of to-day relative to jurors and witnesses can not be secured for some time, as the accounts are filed in four districts. See letter this date.

W. K. MEADE,
U. S. Marshal.

GEORGIA, NORTHERN DISTRICT.

ATLANTA, GA., *May 10, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C.:

Per diems for jurors about equal with last year, and expenses will be about the same at the close of year. Increase in witnesses' fees due mainly to defendants being tried on indictments instead as formerly on information, and also the arrests are in excess by several hundreds over any former year. Have written fully.

O. E. MITCHELL,
Chief Deputy.

ILLINOIS, NORTHERN DISTRICT.

CHICAGO, ILL., *May 11, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C.:

The late marshal informs me that there has been more business this year than last, consequently more money needed for juries and witnesses.

JNO. W. ARNOLD,
U. S. Marshal.

INDIAN TERRITORY.

MUSCOGEE, IND. T., *May 10, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C.:

I have asked for no juror money. My requisition calls for marshal, witness, and prisoners. We paid \$90,000 for witnesses last fiscal year. This year you have advanced me \$61,000; a large number witnesses before commissioners and jail accounts have not been paid. We have 19 men to take to the penitentiary.

MCALLESTER,
Marshal.

KANSAS.

FORT SCOTT, KANS., *May 11, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C. :

Fall sessions of all courts held in this district present fiscal year, besides three adjourned terms, account for increase in expenses witnesses and jurors. Last year few sessions of court were held, owing to illness of judge of this district. Funds asked for are needed. Requisitions were submitted to attorney before being sent in. Court has been held this year twice as many days as last.

NEELY,
U. S. Marshal.

MINNESOTA.

ST. PAUL, MINN., *May 10, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C. :

In reply to telegram will say no funds have been furnished me for juries or witnesses. Requisition was based on probable thirty days' term of court at Duluth and fees of witnesses in cases before commissioners for obstructing mails.

J. ADAM BEDE,
U. S. Marshal.

ST. PAUL, MINN., *May 11, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C. :

In answer to your telegram will say: Total per diem of witnesses in U. S. courts, district of Minnesota, fiscal year 1893, \$1,404. Same for 1894, \$2,935. Per diem of jurors, 1893, \$4,972. Same for 1894, \$7,203. Number of witnesses before U. S. court commissioners has also greatly increased in 1894 and present prosecutions for obstructing mails are likely to double this item of expense for ensuing fiscal years.

J. ADAM BEDE,
Marshal.

MISSOURI, WESTERN DISTRICT.

KANSAS CITY, MO., *May 10, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C. :

Do not want money for jurors. Want \$500 for witnesses before commissioners and \$1,000 for fees and expenses of marshals this fiscal year.

SHELBY,
U. S. Marshal.

NEW MEXICO.

SOCORRO, N. MEX., *May 11, 1894.*

The ATTORNEY-GENERAL,
Washington, D. C. :

More money required on account of pension frauds and long, expensive criminal bank cases. Witnesses brought from long distances from Vermont, Illinois, Minnesota, and California. I refer you to the U. S. attorneys and my estimate to you last June for this fiscal year. Ex-marshal left no books in this office showing cost of last fiscal year. For this fiscal year to May 1 paid witnesses about \$19,000; paid jurors to May \$22,000. Two terms of court yet this year and in immediate need of money for juries.

HALL,
U. S. Marshal.

OREGON.

PORTLAND, OREG., *May 10, 1894.*The ATTORNEY-GENERAL,
Washington, D. C. :

One more grand and one more trial jury drawn this fiscal year than last. Jurors drawn in November staid longer than last year. Jurors were in attendance more than usual. Many more witnesses subpoenaed; many coming great distances, all owing to smuggling and conspiracy cases. Jurors served to date 2,395 days more than last year; witnesses, 369 days more.

H. C. GRADY,
Marshal.

TENNESSEE, EASTERN DISTRICT.

KNOXVILLE, TENN., *May 10, 1894.*The ATTORNEY-GENERAL,
Washington, D. C. :

January term heaviest for years. Cost double the amount of any other court for witnesses and jurors. April term had pension cases and witnesses brought long distances. Three special terms during this fiscal year. Have \$1,343 (since turned in) jurors' money that I will not need. Will write more fully.

S. P. CONDON.

TENNESSEE, MIDDLE DISTRICT.

NASHVILLE, TENN., *May 10, 1894.*The ATTORNEY-GENERAL,
Washington, D. C. :

Larger criminal docket; bank cases against Spurr, Dazey, and Childress being tried. Court still in session, and will be in session for a month. Can not get along without funds asked for.

J. N. MCKENZIE,
Marshal.

TENNESSEE, WESTERN DISTRICT.

MEMPHIS, TENN., *May 10, 1894.*The ATTORNEY-GENERAL,
Washington, D. C. :

Witnesses in the Howard trial alone were paid \$4,950 and jurors nearly \$3,000. During the April term at Jackson, just ended, witnesses were paid \$3,800, of which I advanced \$1,200. The business in this district is nearly double what it was the fiscal year 1893.

J. A. MANSON,
U. S. Marshal, Western District Tennessee.

TEXAS, WESTERN DISTRICT.

PARIS, TEX., *May 10, 1894.*The ATTORNEY-GENERAL,
Washington, D. C. :

Our needs for fees jurors will differ but little from last fiscal year. Need more witnesses' money because of many heavy cases for murder and other serious crimes, there being several defendants in each of several of the cases and very many of the witnesses from great distances as Washington City, Kentucky, Alabama, Tennessee, Kansas, Missouri, Arkansas, etc. Will write in day or two, when U. S. Attorney, now sick, gets well.

WILLIAMS,
Marshal.

WASHINGTON.

TACOMA, WASH., May 11, 1894.

The ATTORNEY-GENERAL,
Washington, D. C.:

There has been more business before the courts. The juries have been in session more days than in fiscal year ninety-three.

DRAKE,
Marshal.

VIRGINIA, WESTERN DISTRICT.

CHARLESTON, W. VA., May 11, 1894.

The ATTORNEY-GENERAL,
Washington, D. C.:

Witness' account has been greater current year because more witnesses have attended court. Jury money on hand will defray ninety-four expenses and leave balance for next year. [Called for.]

VINSON,
Marshal.

FRIDAY, June 1, 1894.

INTERCONTINENTAL RAILWAY COMMISSION.

STATEMENT OF MR. R. M. G. BROWN, COMMANDER, U. S. NAVY.

Mr. SAYERS. House Ex. Doc. 15, Intercontinental Railway Commission. Appropriations have heretofore been made by Congress for this purpose, and these commissioners did not pay themselves their salaries. The appropriation was exhausted in field work, as I understand, and now they come to Congress in order to secure payment of their salaries. I suppose all the information is in these papers?

Commander BROWN. Pretty much.

Mr. SAYERS. I want you to send me a statement as soon as you can as to what time in each year these several commissioners have given to their work. Those facts I must have.

Commander BROWN. I can do that. I never kept journals for the first winter, but I have some of the journals.

Mr. SAYERS. Are you secretary of the commission?

Commander BROWN. Capt. Stephens is secretary, and he can give you a good deal of that data.

Mr. CANNON. Does this document show that the law provides for a salary?

Commander BROWN. Yes, sir; you will find it there. It is added on behind the printed matter.

Mr. SAYERS (to Mr. Cannon). I think, if you will refer to the Congressional Record in either of the last four or five Congresses, you will find that the last appropriation was intended to be in full for all expenses upon this subject.

Commander BROWN. That was intended only to refer to the surveys. That is all the money we have had.

Mr. CANNON. Have all these States contributed their quota?

Commander BROWN. No, sir; not all of them. The Argentine Republic said that it would do the work in its own country, and Mexico did the same thing; therefore they withdrew.

Mr. CANNON. Are those the only two States?

Commander BROWN. Peru has not paid, nor has Colombia.

Mr. SAYERS. State what countries are behind and give the amounts.

Commander BROWN. Bolivia is behind \$2,000; Brazil has paid \$30,000; Chile is behind about \$2,000; Colombia is behind \$8,000; Costa Rica, \$1,000; Ecuador is ahead, she having paid more than her share; Guatemala has paid her share.

Mr. SAYERS. How much has the United States paid?

Commander BROWN. The United States has paid \$195,000.

Mr. SAYERS. Is that her full share?

Commander BROWN. Yes, sir.

Mr. SAYERS. Is the work completed now?

Commander BROWN. It is except the printing.

Mr. SAYERS. What do you propose to do with this money which is to be paid by the delinquents?

Commander BROWN. They will get as many books as possible. If they do not pay, they will not get so many books.

Mr. SAYERS. Were these payments intended for field work as well as for books?

Commander BROWN. I dare say they were.

Mr. SAYERS. Then by what authority did you go forward and spend \$195,000 on the part of the United States when the other governments were not coming up?

Commander BROWN. We were doing the work and we had to stay there.

Mr. SAYERS. I think this is great injustice to the United States. These commissioners have gone along and spent all this money in the field. Part of that money was intended for the payment of salaries. They have completed the work now, and notwithstanding these other states refused to come up with their share of the money, they want to take this money, which is to be paid in, for the distribution of books instead of using it for the payment of the salaries of these commissioners as Congress intended.

Commander BROWN. I would like to make one statement in regard to that. This money, \$195,000, which we paid, if we had carried out the original scheme which said the salaries of all these commissioners from each country should be paid, the result would have been that we would have paid all of these foreigners. These foreign commissioners did not ask for their salaries in this way, because it was so manifestly intended that they were not to get it.

Mr. LIVINGSTON. When these delinquent states pay up their deficit, why not let these commissioners be paid out of that?

Commander BROWN. That would allow the rest to be paid in the same way.

Mr. SAYERS. You will find that in the last appropriation which was made there was a discussion in the House about this question, and the promise was that that should be the final appropriation.

Commander BROWN. I think that was so far as the surveys were concerned. That is my impression, and I had something to do with it, as you did.

Mr. SAYERS. I know that is where the trouble is.

Mr. CANNON. Do I understand that those gentlemen have gone to work and made this survey for an intercontinental railway?

Commander BROWN. Yes, sir; from Mexico to Bolivia, about 4,000 miles. It is double the distance of the Union Pacific Railway and the cost was less.

Mr. CANNON. The report is being prepared for the printer?

Commander BROWN. Yes, sir. We do not ask any money for the preparation of that.

Mr. SAYERS. How are you going to arrange for it?

Commander BROWN. I think we will get \$8,000 from Colombia for office work. The printing is a big job, but it has already been arranged for.

Mr. SAYERS. How much is the printing going to cost?

Commander BROWN. The first 1,000 copies will cost \$20,000 and every additional 1,000 will cost something like \$5,000.

Mr. SAYERS. The first 1,000 copies will cost \$20 apiece and every additional copy \$5 apiece?

Commander BROWN. Yes.

Mr. SAYERS. Who prepared that report?

Commander BROWN. It is prepared in the office by the engineers who made the surveys.

Mr. SAYERS. How many pages will it contain?

Commander BROWN. It will be 3 large volumes, and will have 370 maps. It is going to be a most valuable work. It will be better than Fremont's Reports or Wilkes's Expedition. I feel that it is a work which you will have a great demand for. In reference to its publication, I will do the best I can. That, however, has nothing to do with this matter of salaries.

Mr. CANNON. Do you mean to say that from the money you expect to get from these contributing countries, under this agreement, that you will receive enough to complete that report and print it?

Commander BROWN. I have already been before the Committee on Foreign Affairs and gotten \$20,000.

Mr. SAYERS. They are foraging around on all the committees of the House.

Mr. CANNON. You have gotten \$20,000?

Commander BROWN. Yes, sir; to do the printing. If we get more we will print more. This insures the printing of at least 1,000 copies.

Mr. CANNON. These gentlemen entered upon the performance of their duties along with the commissioners from the other countries?

Commander BROWN. Yes, sir.

Mr. CANNON. And have they never received any pay?

Commander BROWN. Not a cent of expenses or anything. They have been paid by their respective countries and not out of the common fund. If it had come out of the common fund it would have come out of this country.

Mr. CANNON. You ask in this estimate that these commissioners receive salaries?

Commander BROWN. Yes, sir.

Mr. CANNON. Are these commissioners still in office?

Commander BROWN. Yes, sir.

Mr. CANNON. Suppose these salaries are appropriated for—will that be the end of it?

Commander BROWN. I fancy they will not ask any more. I am only attending to this business as the executive officer of the commissioners, and am simply calling attention to the fact that we have not had enough for our expenses. We have had to entertain these people and have gone to considerable expense. We have done our duty as we thought proper.

Mr. CANNON. Your expenses have not been paid.

Commander BROWN. Not a cent.

Mr. CANNON. You have neither received your salary nor expenses?

Commander BROWN. Not a copper.

Mr. CANNON. This is a proposition to appropriate for expenses?

Commander BROWN. It is salary in lieu of expenses. The question submitted was in lieu not of salaries but of expenses. These commissioners have had hotel bills, and have had to stay here and board at the Arlington.

Mr. SAYERS. Have these commissioners ever been anywhere except in Washington.

Commander BROWN. They have not been where the survey is. One of them has come from St. Louis and another from West Virginia.

Mr. SAYERS. I want a letter from you showing the amount that, under the agreement between the United States and these nations, was to be paid by each nation.

Commander BROWN. We can give you that.

Mr. SAYERS. And then we want a statement of how much has been paid by each nation; and then a statement as to how long each of these commissioners on the part of the United States have been absent, and where they have been when they were attending to the Government business.

Commander BROWN. They have been in town, and have often come to the office, but I have not kept a record of that.

Mr. SAYERS. They were not in town for the purpose of attending to this business?

Commander BROWN. At least one of them takes a good deal of interest in the business, to the best of my recollection.

Mr. SAYERS. How often do you meet?

Commander BROWN. About once in each quarter.

Mr. SAYERS. How long do they remain here?

Commander BROWN. They come and stay a day. Sometimes they meet more frequently,

Mr. SAYERS. Give the number of meetings of these commissioners, and how long they remained in session, since their appointment.

Commander BROWN. I think I can furnish that.

Mr. SAYERS. How are you paid?

Commander BROWN. I am in the Navy, the same as Capt. Stephen is in the Army. The argument I spoke about is on the last page.

Mr. CANNON. When did this work commence?

Commander BROWN. In December, 1890. That was before I joined the Commission. They had been sitting every day.

Mr. CANNON. Do you say that all the expenses of these parties found to be due, whether great or small, social or otherwise, have been paid out of their own pockets, and that they have not had a cent of compensation of any kind?

Commander BROWN. They have not had any compensation of any kind. For your information I will submit the following:

[PUBLIC—No. 212.]

AN ACT making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-one.

For payment of the share of the United States of a preliminary survey for information in respect of a continental railway recommended by the International American Conference, sixty-five thousand dollars; and in aid of such survey the President is authorized to appoint, by and with the advice and consent of the Senate, three members of the Continental Railway Commission, not more than two of whom shall belong to one political party, whose compensation shall be paid from the common international railway fund as recommended by the International American Con-

ference; and the President may, in addition to civil engineers employed by said commission, and at the request of the commission, detail from the Army and Navy of the United States such officers as, in his discretion, may be spared without detriment to the service, to serve as engineers under such commission in making a survey for a continental railway; and officers so detailed may receive, in addition to their lawful pay and allowances from the common international railway fund, such compensation in lieu of expenses as may be allowed them by said commission.

Approved, July 14, 1890.

MEMORANDUM.

The act of Congress approved July 14, 1890, provides for three commissioners to be appointed by the President by and with the advice and consent of the Senate. The annual compensation was not fixed by Congress, but left to the discretion of the executive branch of the Government. Mr. Blaine fixed it at \$3,000 a year, as shown by the statement of Mr. Rockhill (*see* page 9 of this pamphlet). Had the commissioners determined to accept their pay from the common fund, as authorized by Congress, the delegates from the various other Republics would have had an equal right to be paid out of this fund in accordance with Article XIII of the report of the committee on railway communication, International American Conference; and the result would have been that most of the \$195,000 paid into the common fund by the United States would have gone toward paying the salaries of the delegates from South and Central America, and the completion of the survey would have been impossible. This was so self-evident that the delegates from the other Republics never asked for pay out of the common fund, but relied upon their own governments for their compensation.

That our commissioners declined to accept pay from the common fund, from fear of crippling the surveying parties in the field, would seem to be a strong argument in favor of Congress providing for them.

The delicacy of Mr. Cassatt in not wanting to ask for compensation after the commissioners had declined payment in the manner authorized by Congress, does not seem to be well founded, nor do the other commissioners agree with him in regard to this matter. These officers, having been nominated, confirmed by the Senate, and commissioned by the President, are just as properly entitled to their compensation as other officers of the Government.

SATURDAY, June 2, 1894.

STATEMENT OF MR. W. H. HILLS, ASSISTANT SUPERINTENDENT TREASURY BUILDING.

PERIODICALS FOR THE DEPARTMENTS.

Mr. SAYERS. You will not need the \$300 in this first item?

Mr. HILLS. We will not need \$300 for newspapers, law books, directories, etc. That is the first item on the page.

Mr. SAYERS. What about the \$17 for 1893?

Mr. HILLS. We will need that to pay a claim.

Mr. SAYERS. Freight and telegrams, \$3,000?

Mr. HILLS. We will require that.

Mr. SAYERS. You said \$2,500 would be sufficient?

Mr. HILLS. I think now it will require \$3,000, owing to the increased transfer of money which is being done by telegraph. You might make that item \$2,800. It is drawing materially upon our appropriation.

Mr. SAYERS. How much money have you on hand now?

Mr. HILLS. Not more than \$150 or \$200.

Mr. SAYERS. You want this for May and June?

Mr. HILLS. No, sir; this will pay for telegrams for the whole year. We have had had no settlement for this year. We paid for telegrams last year.

Mr. SAYERS. All I want to know is the amount?

Mr. HILLS. Make it \$2,800.

HORSES AND WAGONS.

Mr. SAYERS. For purchase of horses and wagons.

Mr. HILLS. That can be reduced to \$300.

Mr. SAYERS. Do you need that?

Mr. HILLS. We have not a dollar for forage, and we are now buying it on trust.

ICE.

Mr. SAYERS. Your next item is for ice.

Mr. HILLS. The ice is now being paid by subscription by the employés, and we will not need that.

FILE-HOLDERS.

The CHAIRMAN. The next item is for the purchase of file-holders. That is out?

Mr. HILLS. Yes, sir

WASHING TOWELS.

The CHAIRMAN. Washing and hemming towels.

Mr. HILLS. We have been denying everything on that appropriation to avoid a deficiency. The Secretary will not permit us to create a deficiency. We had \$12,000, so you can strike that out.

**STATEMENT OF MR. E. B. DASKAM, CHIEF OF PUBLIC MONETIES
TREASURY DEPARTMENT.**

TRANSPORTATION OF CURRENCY.

Mr. SAYERS. You ask for \$40,000. I understand that you only have \$6,280?

Mr. DASKAM. We had that amount when that letter was written.

Mr. SAYERS. What amount have you now?

Mr. DASKAM. We have not any. That did not leave us enough to pay the April bills. They are now coming in and amount to \$12,190 and we may receive a few more.

Mr. SAYERS. What is the amount of the expenses for April?

Mr. DASKAM. \$12,190, so far.

Mr. SAYERS. If you multiply April, May, and June by the remaining number of months it will not amount to \$40,000.

Mr. DASKAM. It is \$12,000 and a fraction, and 3 times 12 would be 36 and a fraction. June is always a heavier month than the others.

Mr. SAYERS. You had \$6,280 in April; do you think it will take \$46,200 for April, May, and June? You certainly will not want so much money as that.

Mr. DASKAM. We would not if May and June were the same as April. June is always a heavy month.

Mr. SAYERS. How much heavier?

Mr. DASKAM. It is usually about \$3,000 heavier than the other months. It would be as much as \$15,000.

Mr. SAYERS. Add \$15,000 and \$24,000, and it makes \$39,000, as against \$46,280, which you want.

Mr. DASKAM. We have made two deficiencies already and we have been short on both, and I thought I would ask for enough.

Mr. SAYERS. Your best judgment is that for the month of May you will expend over \$12,000?

Mr. DASKAM. I think so. April will be larger than March.

Mr. SAYERS. What is your best judgment as to the amount you will need for May?

Mr. DASKAM. I should say \$13,000.

Mr. SAYERS. And how much for April?

Mr. DASKAM. \$12,190, as far as the bills are in, and there may be more.

Mr. SAYERS. And how much for June?

Mr. DASKAM. \$14,000 or \$15,000.

Mr. SAYERS. \$15,000 will be sufficient, certainly?

Mr. DASKAM. \$13,000 for May, \$12,190 for April, and \$15,000 for June, will make \$40,000.

Mr. SAYERS. But you add \$6,280, so that \$35,000 would be all you would want?

Mr. DASKAM. But that is bound to be a guess.

Mr. SAYERS. So is \$40,000 bound to be a guess.

Mr. DASKAM. I expect there will be some gold transportations, and that may throw it up abnormally.

Mr. SAYERS. What do you mean by mutilated paper currency? It is stated here that it is not expected that there will be any falling off in the shipment of mutilated paper currency.

Mr. DASKAM. The different subtreasury offices are required to redeem all paper currency which comes in. That is sent to Washington, and we have to pay transportation from the subtreasuries to this city. It is running heavier this year than it has for a long while.

Mr. SAYERS. Will you be kind enough to send me a statement of the amount per month of mutilated currency for the last twelve months as compared with preceding twelve months?

Mr. DASKAM. We keep separate bills for that, and I can do it readily.

Mr. SAYERS. I want the cost and the amount of money. Can you give the amount for each month?

Mr. DASKAM. Yes, sir; I can get that.

Mr. LIVINGSTON. What do you do with this mutilated currency?

Mr. DASKAM. We redeem it and give new currency for it.

Mr. LIVINGSTON. And then you pay the expenses back, of the new currency?

Mr. DASKAM. The subtreasury pays the expenses from its fund, when it arrives at the subtreasury.

Mr. SAYERS. Has the amount of that currency been greater for the past twelve months than for the previous twelve months?

Mr. DASKAM. I think it is considerably larger.

Mr. SAYERS. Can you give a comparative statement for the preceding year?

Mr. DASKAM. I think so.

Mr. SAYERS. I want the cost per month for transportation, and the amount of mutilated currency per month returned to the Treasury for two years.

Mr. DASKAM. You want the amount of currency and cost of transportation compared with the previous twelve months?

Mr. LIVINGSTON. None of this mutilated money is in coin?

Mr. DASKAM. No. Under the law any person may go to the subtreasury and get new notes for mutilated paper.

Mr. LIVINGSTON. Do you pay for this transportation by contract?

Mr. DASKAM. Yes, sir; It is so much per \$1,000.

Mr. LIVINGSTON. I wish you would send us a copy of that contract.

Mr. DASKAM. It is 15 cents for each \$1,000.

Mr. LIVINGSTON. Can you estimate what \$1,000 will weigh? I would like to know what we are paying for it by weight.

Mr. DASKAM. It is paid for by the face of the money at the currency rate. The rate is made between two points on the line of the United States Express Company. That would be the rate of \$1,000 between New York and Washington or between Washington and Chicago.

Mr. CANNON. The rate between San Francisco and Washington would be greater than 15 cents?

Mr. DASKAM. Yes, sir. That is out of the territory.

Mr. SAYERS. When was this contract made?

Mr. DASKAM. In 1890, I think. Previously, the Adams Express Company had the contract, and charged 25 cents per \$1,000, which is about half the commercial rate.

Mr. SAYERS. Why does the Government get transportation cheaper?

Mr. DASKAM. It is because the Government ships millions and millions of dollars, which is not the case with private corporations.

INDEPENDENT TREASURY—SPECIAL AGENTS.

Mr. SAYERS. You ask for \$3,000 deficiency in House Ex. Doc. 219, for salaries of special agents, Independent Treasury for 1894. Please inform the committee how this deficiency arises.

Mr. DASKAM. It is not a deficiency. We have but about \$150 or \$175 left, and we expect to have to inspect two more agencies within the fiscal year. One of those agents has been appointed, but he has not yet qualified. We want to send a person to make an examination, and to assist the customary officer at the agency.

Mr. SAYERS. To what points do you want to send these special agents?

Mr. DASKAM. One to Baltimore, and one to San Francisco.

Mr. SAYERS. Do you require \$3,000 to send a man to Baltimore and to San Francisco?

Mr. DASKAM. We will send 5 to Baltimore, and probably 3 to San Francisco.

Mr. SAYERS. Will they all go from Washington?

Mr. DASKAM. Yes, sir.

Mr. SAYERS. Will they go to these places before the 1st of July?

Mr. DASKAM. They would, but the San Francisco man has not yet been appointed. We expected that he would be when this amount was asked for.

Mr. SAYERS. Do you know when the man is going to be appointed?

Mr. DASKAM. I know that the time of the present incumbent will expire before June 30; but we do not know just when the appointing power will act.

Mr. CANNON. You take clerks from the office here to make these examinations, and so there is no additional salary?

Mr. DASKAM. It is simply for actual and necessary traveling expenses in sending 5 men to Baltimore, and probably not more than 3 to San Francisco.

Mr. LIVINGSTON. Why does it require so many men?

Mr. DASKAM. Because they can make the examination so much easier and cheaper.

Mr. LIVINGSTON. Is it not more expensive to the Government to send the men to those places?

Mr. DASKAM. No, sir; it is cheaper. It is different now from what it formerly was. Then a special agent went and made an examination; but in those days we had no silver dollars to look after, and a man simply counted the paper money. They did not have the amount we now have.

Mr. LIVINGSTON. Why can you not get a man at those places to count that money?

Mr. DASKAM. The law requires that the Secretary shall make this examination.

Mr. LIVINGSTON. He does that finally through an agent?

Mr. DASKAM. Yes, sir.

Mr. LIVINGSTON. Why can not the Government save that cost of transportation? Is there not a man there who could do it?

Mr. DASKAM. I do not know who else could do it.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 4, 1894.

SIR: I have the honor to inclose, herewith, in compliance with your oral request, statement showing amount of mutilated currency shipped and cost of transportation thereof, by months, from April, 1892, to March, 1894, inclusive.

I have, also, to inform you that the examinations of the subtreasury offices, contemplated when the estimate was submitted of deficiency in the appropriation for "Salaries special agents independent Treasury, 1894," are necessarily delayed and probably will not be made this fiscal year. The additional amount asked for in my letter of May 12, 1894 (Ex. Doc. No. 219, Fifty-third Congress, second session), will not, therefore, be required.

Respectfully, yours,

J. G. CARLISLE,
Secretary.

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

*Statement showing amount of mutilated currency transported and cost of transportation
by months from April, 1892, to March, 1894, inclusive.*

Months.	Amount.	Cost.	Months.	Amount.	Cost.
1892.			1893.		
April	\$7,923.080	\$1,187.00	April	\$19,646.000	\$3,018.15
May	9,007.000	1,352.55	May	21,485.040	3,300.65
June	13,368.207	2,034.35	June	15,577.000	2,412.30
July	14,944.057	2,240.45	July	13,797.370	2,128.20
August	18,381.250	2,757.25	August	14,860.015	2,276.70
September	15,146.050	2,268.55	September	13,627.080	2,111.80
October	10,890.040	1,633.90	October	18,511.040	2,870.10
November	13,107.030	1,985.35	November	17,304.315	2,664.15
December	14,447.840	2,171.40	December	16,776.000	2,609.60
1893.			1894.		
January	21,566.059	3,202.65	January	31,081.020	4,573.55
February	18,722.051	2,855.50	February	14,798.000	2,286.00
March	15,120.020	2,349.30	March	16,541.355	2,604.15
Total	172,622.684	26,038.25	Total	214,004.235	32,855.35

SEIZURE OF OPIUM.

**STATEMENT OF MR. WILLIAM P. FREEMAN, CUSTOMS DIVISION,
SECRETARY'S OFFICE, TREASURY DEPARTMENT.**

Mr. SAYERS. What have you to say on this question in addition to what is contained in the House Ex. Doc. 174?

Mr. FREEMAN. I do not know that I have anything to add. I thought you might want to ask me some questions in regard to it.

Mr. SAYERS. Can you give us any further explanation about it?

Mr. FREEMAN. It seems to me that it is explained, so far as I know about it. The papers did not originally come to me, seeing that this opium was not intended to be imported into this country, when it was seized. It was seized in transit near the port of San Francisco.

Mr. SAYERS. How do you know that it was not intended to be imported?

Mr. FREEMAN. That was the decision of the court in regard to it. The court decided that it was not an importation, and officers had no right to seize it. Therefore, the decision was in favor of the claimant, as I understand the case.

Mr. LIVINGSTON. Was it seized by the Government authorities; and, if so, what became of it?

Mr. FREEMAN. It was seized by the Government authority, and was destroyed by order of the Secretary on July 7, 1887, as prohibited importation.

Mr. LIVINGSTON. What Secretary gave that order?

Mr. FREEMAN. It is initialed "C. S. F.," and I presume that is Secretary Fairchild.

Mr. LIVINGSTON. Have you got the evidence which the agent had when he took possession of this and destroyed it?

Mr. FREEMAN. I have not; but I understand that it was seized upon an investigation made by some special agent, but I do not know about that.

Mr. Freeman submitted the following:

(Matter referred to not furnished.)

CLAIM OF GREEK CHURCH, ALASKA.

**STATEMENT OF MR. GEORGE W. MAHER, ASSISTANT CHIEF OF
DIVISION AND SPECIAL AGENT, TREASURY DEPARTMENT.**

Mr. SAYERS. House Ex. Doc. 166 relates to the use of some money that had been contributed by the Greek Church on the island of St. Paul, Alaska, and which has been placed in the hands of the agent of the North American Commercial Company to be sent to the bishop of that church in San Francisco. Have you anything to say about that item?

Mr. MAHER. This money is held by the Secretary of the Treasury to be used instead of the money appropriated by Congress for the support of the natives. The amount appropriated was reduced to that extent.

Mr. SAYERS. What Secretary made that order?

Mr. MAHER. Mr. Foster.

Mr. SAYERS. So that this money was returned to the actual donors who contributed it?

Mr. MAHER. Yes, sir. It was done through the store of the North American Commercial Company in the nature of supplies, groceries, etc., given out by the agent.

Mr. SAYERS. Was that private money?

Mr. MAHER. Yes, sir; it was money which had been collected for eight or nine years.

Mr. SAYERS. Under what authority did they take that private money?

Mr. MAHER. The Government agent at the islands forbade the agent of the North American Commercial Company taking it away, and it was reported to the Secretary, with the result I have stated.

Mr. SAYERS. They can not replace the money except by an appropriation and authority of Congress?

Mr. MAHER. That is the only way.

Mr. SAYERS. How much money was on hand at the time the Secretary made this order?

Mr. MAHER. \$19,500, and out of that \$13,000 was turned back into the Treasury for that year.

Mr. SAYERS. Why did not they use the money appropriated by Congress instead of diverting money in the hands of the agent of the North American Commercial Company, which was to be forwarded to the bishop of the Greek Church?

Mr. MAHER. The Treasury agent on the island held that the money of the United States should not be used to support the natives if they had any means available of their own. He held that that money should not be taken away from the island; that the natives should be fed before the money was sent out, and the Secretary concurred in his view.

Mr. SAYERS. At the same time he covered into the Treasury \$13,000 of the appropriation?

Mr. MAHER. It was about \$13,000 for that year. The history of those contributions by the natives was that that money had been in course of collection for a great many years. The Government had no right to it, and the Government agent had no right to interfere. The motive of the agent, I presume, was to reduce the expenses of the Government as much as possible.

Mr. CANNON. Did Secretary Foster direct that that money should be turned back?

Mr. MAHER. He did so in instructions which you will find fully set out in Senate Ex. Doc. 107, Fifty-second Congress, second session, pp. 74 to 79, inclusive.

Mr. CANNON. Have you all the papers, the receipts, and everything in reference to it?

Mr. MAHER. Yes, sir; everything is there, with the names of the families to whom the money was returned pro rata. There was some returned to the priest, I suppose his proportion; but the whole sum was returned to the natives of the island.

Mr. SAYERS. To the original donors?

Mr. MAHER. Yes, sir. Since the *modus vivendi* went into effect, they have not been killing so many seals. When the natives killed a large number of seals, they supported themselves. Then, since they have been killing such a small number, they have not been able to do that, and the Government has for several years made an appropriation. Last year \$19,000 was appropriated to take care of them.

Mr. LIVINGSTON. We have got a chance at that company, as they have a claim.

Mr. MAHER. It was not the fault of the agent of the company. He was forbidden to take the money from the island. He refused to obey the order until the Treasury agent gave him a receipt.

NORTH AMERICAN COMMERCIAL COMPANY.

Mr. SAYERS. In House Ex. Doc. 186 I find a claim for \$949.55. Have you anything more to state in reference to this matter in addition to what is set forth in the document?

Mr. MAHER. Nothing.

Mr. SAYERS. Is there any question as to the amount furnished by this company?

Mr. MAHER. None that I know of. I took some little trouble yesterday to ascertain if the appropriation for the Marine Hospital could be made available for this purpose, and I was told that it could not be, except it was solely for disabled seamen.

Mr. SAYERS. Between what points were those officers and crew transported?

Mr. MAHER. From Kiak Island to Sitka, nearly 500 miles.

Mr. SAYERS. How many officers and how many men were there?

Mr. MAHER. It is stated that there were 39 men and 6 officers.

Mr. LIVINGSTON. Why do they make a distinction in the charge for taking care of officers and taking care of men?

Mr. MAHER. I do not know, except they gave them better quarters.

STATEMENT OF MR. J. T. PETTY, AUDITOR, DISTRICT OF COLUMBIA, ACCOMPANIED BY WILLIAM B. POWELL, SUPERINTENDENT OF EDUCATION, AND MR. TRACY, SUPERINTENDENT OF CHARITIES.

OFFICE RENT, SUPERINTENDENT OF CHARITIES.

Mr. SAYERS. The first item is for rent of office for Superintendent of Charities, \$300.

Mr. TRACY. When I first came here, I was occupying a room in the District building without rent. It was the same which my predecessor occupied; but the District Commissioners wanted the room, and they provided quarters for me elsewhere. I did not desire to move, but they found a room for me in the building occupied by the police headquarters.

Mr. SAYERS. Had the District rented another building?

Mr. TRACY. They have rented a considerable portion of the Walker building.

Mr. SAYERS. How many of these rooms did the Commissioners rent?

Mr. TRACY. They only rented one for me. It is a large front room, with a little annex—a sort of half room—entering into it.

Mr. SAYERS. On what floor?

Mr. TRACY. Sixth floor.

Mr. SAYERS. At \$25 per month?

Mr. PETTY. That includes janitor service, heat, light, gas, and everything.

Mr. TRACY. I did not know what the rent was.

Mr. SAYERS. How much is the District paying for rent down there all together?

Mr. PETTY. \$2,330 for the police department.

Mr. SAYERS. How many rooms have they?

Mr. PETTY. I could not tell, but I can ascertain it.

Mr. SAYERS. Don't you think \$25 for one room is rather an extravagant price for rent?

Mr. PETTY. I do not think so, considering the room which the Superintendent of Charities has.

Mr. LIVINGSTON. Is not the light and heat furnished by the Government?

Mr. PETTY. Mr. Tracy is occupying a room for which we have not so far paid 1 cent. We are allowed to go in there with the understanding that if you gentlemen do not appropriate the amount the owners will get nothing. Twenty-five dollars per month is what they ask.

ADVERTISING ARREARS OF TAXES.

Mr. SAYERS. Advertising notices of taxes in arrears for 1893, \$11,600.

Mr. PETTY. I have the exact figures. This advertising was made in April. The cost of the pamphlet was \$2,336.36. It gives a full description of every piece of property. The advertisement in the Star cost \$3,700.75, and the same thing in the Post cost \$4,178, making a total of \$10,166.11.

Mr. SAYERS. Why is it that you leave out the language inclosed in brackets in reference to reimbursement to be paid by an assessment upon each piece of property advertised?

Mr. PETTY. We are anxious to leave that in. That is a mistake.

Mr. SAYERS. What is the amount of reimbursements that you realized last year under this clause?

Mr. PETTY. We just made this out in April. We propose to charge \$1.20 for each advertisement.

Mr. LIVINGSTON. Will \$1.20 cover the cost?

Mr. PETTY. Yes, sir.

Mr. LIVINGSTON. Can you collect it?

Mr. PETTY. Yes, sir; we collect it every time we sell property.

Mr. LIVINGSTON. Suppose you do not sell the property?

Mr. PETTY. It will ultimately be collected.

Mr. LIVINGSTON. Are not most of these cases settled without sale? I suppose the great bulk of them never come to sale?

Mr. PETTY. We often have to sell the property, and sometimes it happens that the District buys the property in; but it always stands as a charge against the property. When the taxes are paid we collect this \$1.20 to pay for the advertising.

Mr. SAYERS. The next item is advertising notices of taxes in arrears, July 1, 1892, which calls for \$1,612.66, and it leaves out that same language. Have you itemized statements of this?

Mr. PETTY. I have two bills—one of the Washington Post, \$816.33, and one of the Star, \$639.33. The total is \$1,455.66. That is the balance for advertising the tax list for 1892.

Mr. LIVINGSTON. Are not these delinquents insolvent?

Mr. PETTY. No, sir.

Mr. LIVINGSTON. Are they not usually returned to the office as insolvent? Tax-payers never pay all their taxes.

Mr. PETTY. We collect every year 90 per cent of the levy, and the year following we usually collect from 2 to 5 per cent. So that we collect very close to what is assessed.

Mr. LIVINGSTON. Have you any taxes on personal property?

Mr. PETTY. Yes, sir; we have assessments on realty and personalty.

Mr. LIVINGSTON. Does this cover the household goods of poor people? How much personal property is exempt in the District of Columbia?

Mr. PETTY. I think the amount is \$500.

Mr. LIVINGSTON. I am astonished that you have any advertising to do.

Mr. PETTY. It is for realty and not for personalty. It is for advertising realty.

Mr. LIVINGSTON. Do those people come up and pay without judgment?

Mr. PETTY. Yes, sir.

Mr. LIVINGSTON. Suppose my property is advertised to-day, and I pay to-morrow?

Mr. PETTY. The amount would be charged on your taxes, and we would not give you a receipt until you had paid.

Mr. LIVINGSTON. Could you not make it \$2.20 instead of \$1.20.

Mr. PETTY. That would be exorbitant. We formerly had a system by which the list of property in arrears was made out by a notice, and we notified the taxpayer that he could come up, examine the arrears book, and find out whether the property was returned for sale or not; and if they did not pay at a certain date we would sell the property. The newspapers of the District got the law changed so as to require the list of property to be advertised in the newspapers. The Commissioners did not want that done and so recommended. When the bill came down to them they struck that out, but they were overruled by the District Committee. Our tax list did not cost \$2,500 a year until the newspapers had the law changed. We are not responsible for it.

Mr. SAYERS. Advertising for 1892.

Mr. PETTY. \$595.28. I would like to say in regard to that item that of this amount \$206.86 is for hearings. When the Commissioners were before you in the consideration of the District bill several months ago, they were informed by the committee that it did not approve of that, and so the present Board have discontinued that matter of hearings. They have not incurred a dollar's expense for hearings. The Board which incurred this bill is out of office.

Mr. CANNON. What were those hearings for?

Mr. PETTY. Formerly whenever a bill was to be considered it was referred to the Commissioners, and they advertised, asking all who were interested in the measure to come before them and give their views. That was objected to by this committee.

Mr. SAYERS. Was that to pay the expenses of those who came before the Commissioners?

Mr. PETTY. No, sir; it was to pay the expenses of advertising the hearing. The amount is \$286.86.

Mr. SAYERS. Was there any law authorizing this?

Mr. PETTY. No, sir; the Commissioners thought it was the right thing to do. This indebtedness has been incurred by a previous board of Commissioners who are not now in office. Bills are due to the Evening Star for advertising, and I presume they could get judgment.

Mr. SAYERS. Not at all—not if the Commissioners had no authority to authorize it.

Mr. PETTY. There is no specific law authorizing the Commissioners to do this.

Mr. SAYERS. What is the remainder of this?

Mr. PETTY. That is advertising notice of auction relating to hay scales, etc. They are within the law.

Mr. SAYERS. Why have not these amounts been certified to Congress before this time?

Mr. PETTY. The Star was behind in sending the notice to us. They had a fire at the Star office and the notices were burned up. We have got the bills now without the advertising attached. I sent a clerk down there to satisfy myself that the bills were correct.

Mr. SAYERS. Here is another item of \$72.

Mr. PETTY. That is for hearings in reference to opening North Capitol street.

EXPENSES OF ASSESSMENTS.

Mr. SAYERS. Expenses of assessing real property. How about that item?

Mr. PETTY. That is a difference of opinion between the First Comptroller's office and our office. I will show you what the difference is in a moment. In the act of March 3, 1891, there was a provision for three assistant assessors at \$3,500 each. It says that they shall make this assessment in the calendar year 1892. In the deficiency appropriation act of March 18, 1892, you gave this appropriation for expenses of assessing real property in the District of Columbia, and also for books, stationery, and other necessary expenses, including labor and clerical services, as provided in the act of March 3, 1891, \$6,000. That did not limit us to any year. We used up that appropriation in the payment of clerks, purchase of books, etc. These assessors, as the law required, completed the assessment December 31, 1892. The field books were turned in and the assessment was made out, but the work of transferring notes into the books for the use of taxpayers, so that they could consult the assessment, was not completed, and we continued two clerks on that work of transferring those field notes of assessors into the books, and they were paid out of this money. We held that this act giving us this \$6,000 did not require that we should spend that within the year, but the Comptroller held that we could not spend a dollar for clerk hire for the year 1892.

Mr. SAYERS. All you want is a clause to pass your accounts?

Mr. PETTY. Yes, sir.

GRADING STREETS.

Mr. SAYERS. Grading streets and alleys, \$99.

Mr. PETTY. It is \$269, but the amount we really owe is \$99. Mr. Knowiton had a contract to do 5,400 cubic yards of grading, and he did 3,700 cubic yards, but he did not complete the work within the fiscal year for which the appropriation was made. He did not make his request for a final measurement until December 1, 1892, and then the appropriation had lapsed.

PERMIT WORK.

Mr. SAYERS. The next is permit work.

Mr. PETTY. That is contract 1310, with George Drew & Sons. We are authorized to retain 10 per cent, to be held as a guarantee that the work will remain a certain length of time. The clerk took off \$69.10, but when he came to make out the check to that man he did not send it to the Treasury of the United States, and when it was discovered, of course the appropriation for 1891 had lapsed.

RENT FOR STREET-SWEEPING DEPARTMENT.

Mr. SAYERS. The next item is rent for office of the street-sweeping department, \$420.

Mr. PETTY. That case of Maj. Davis's is just like the one of Mr. Tracy. He is occupying a suite of rooms in the Walker building, at \$35 per month, under the same circumstances. We had no room in the District building. We were paying that out of the street-sweeping fund, but the Comptroller held that we did not have a specific appropriation for rent, as we should have. We have been asking for that for some time.

Mr. SAYERS. For what year is this item?

Mr. PETTY. It is for the current year. He is there now.

Mr. SAYERS. You say he has a suite of rooms?

Mr. PETTY. He has two rooms. Heat, light, and fuel are furnished.

Mr. SAYERS. Is he required to have two rooms?

Mr. TRACY. He has only four people regularly employed, but the inspectors come in every morning and report. It is a crowded office.

Mr. PETTY. He is compelled to have some place. We can not pay it out of the funds for the street-sweeping department. We want authority to allow us to do that.

EDWARD HARPER.

Mr. SAYERS. The next item is that of Edward Harper.

Mr. PETTY. On October 31, 1891, the Commissioners issued an order that the compensation of Edward Harper should be increased to \$3.50 per diem, which was the amount the other inspectors were getting. He had been getting only \$3 per day, and the Commissioners increased it to \$3.50.

Mr. SAYERS. What is the date of that order?

Mr. PETTY. That was the amount paid to the other three inspectors. This order was overlooked in some way, and he never received it. On several different occasions he asked for this increase, but never got it. We only paid him \$3 per day.

Mr. SAYERS. He was working for \$3 a day prior to that?

Mr. PETTY. Yes, sir.

Mr. CANNON. The order was made increasing his pay to \$3.50 per day, but it was overlooked?

Mr. PETTY. Yes, sir.

Mr. CANNON. That is a case that ought to go to the Court of Claims.

Mr. PETTY. He is a good man.

Mr. CANNON. There seems to be two items here for Harper.

Mr. PETTY. They are for different fiscal years.

FIRE DEPARTMENT, FORAGE.

Mr. SAYERS. The next item is for forage for the fire department.

Mr. PETTY. The appropriation was \$6,000, and we have to-day an ascertained deficiency on the 1st of June of \$1,299.01, and we will need about \$50 for June. What we ask is \$1,350, instead of \$1,500.

Mr. SAYERS. What is the next item?

Mr. PETTY. We owe S. S. Daish & Sons for forage for 1893.

Mr. SAYERS. How are your forage contracts as to price? I notice that for 1893 you had over \$10,000 for this purpose, and in 1894 you have only \$7,000.

Mr. PETTY. Some items of forage went up 100 per cent.

FIRE DEPARTMENT, REPAIRS.

Mr. SAYERS. Repairs to apparatus and new appliances, fire department.

Mr. PETTY. That is for repairing hose and carriage No. 4. That is an ascertained deficiency.

Mr. SAYERS. The next is papering engine house.

Mr. PETTY. That happened in this way: We authorized the fire department to expend \$95 for papering the engine house, and we charged it to the contingent expense account; but the Comptroller, when the item reached him, said it was not a proper charge, and that it ought to be paid out of the repairs account. We had money in the contingent expense account, but did not have any in the repairs account. I wrote a letter to the Comptroller asking him to allow it, but he would not authorize it out of the contingent expense account. When his ruling came it was too late. We do not want an appropriation, but we want an authorization.

PUBLIC SCHOOLS.

Mr. SAYERS. Under this head you have \$20.88.

Mr. PETTY. That is a deficiency for E. E. King, janitor of the Fillmore Building. That is to make his pay \$500 a year, instead of \$32 per month.

Mr. SAYERS. Is it authorized by law?

Mr. PETTY. The building had not been completed, and therefore we did not have the entire appropriation of \$500 for that year. We had no appropriation out of which to pay that, except the provision in reference to smaller school buildings. We paid him \$32 per month as janitor's service. Next fiscal year his pay will be \$500. He was paid out of an appropriation for 8-room buildings.

Mr. SAYERS. Was it fully completed when you appointed this man?

Mr. PETTY. Yes, sir.

Mr. SAYERS. Why did not you pay him \$500?

Mr. PETTY. The appropriation had not been made.

Mr. SAYERS. But you paid him something?

Mr. PETTY. We paid him out of another appropriation. We have an appropriation for smaller buildings.

Mr. LIVINGSTON. Are you in the habit of fixing salaries for which appropriations have not been made?

Mr. PETTY. It is equitable. Five hundred dollars would be his allowance. We had to make an appropriation for this building.

Mr. CANNON. This arises from the fact that the building was finished during the fiscal year. There was no appropriation, and you paid him out of the appropriation for a smaller-room building, and you think it was equitable?

Mr. PETTY. Yes, sir. We have a right to do that. The janitor for the Pierce School is the same, \$208.23. You can strike out the item for the Patterson School, as we have not taken that school yet.

Mr. SAYERS. Why do you not pay the janitor of the Pierce School at the same rate you pay the janitor of the Fillmore School?

Mr. PETTY. The Pierce School was completed last February, and there was not enough to pay him. He will get nothing this year if he does not get this.

FUEL.

Mr. SAYERS. The next item is fuel for 1894, \$10,000.

Mr. PETTY. We will not ask you for quite that amount. The ascertained deficiency is \$6,594.34, and we want you to give us \$6,700, which is about \$100 more. We need coal for the ventilating shafts for this month. Those are items of men who have furnished coal.

CONTINGENT EXPENSES.

Mr. SAYERS. Contingent expenses, Washington Gaslight Company for gas, 1893, \$156.69.

Mr. PETTY. \$129.25 is for the Washington Gaslight Company, and \$27.40 is for R. V. Rusk.

Mr. LIVINGSTON. What is the contract price for gas?

Mr. PETTY. It is \$1.50 a thousand, with a discount taken off for prompt payment. We get the advantage of that discount, although we do not always pay promptly.

Mr. LIVINGSTON. Suppose you let your bill run over, would you have to pay \$1.50?

Mr. PETTY. They never charge us a penalty.

Mr. LIVINGSTON. So you really pay \$1.25?

Mr. PETTY. That is what we actually pay.

Mr. LIVINGSTON. Don't you think that is too high?

Mr. PETTY. Well, I have been one of those who think it is too high.

STATIONERY FOR SCHOOLS.

Mr. SAYERS. What have you to say as to this account of 1892 of \$529.73?

Mr. POWELL. It is for paying a company for paper used in the industrial education department. My office supposed that this bill had been paid; but it seems that the property clerk in the District office did not know of the bill, and suggested to us to use the money in the Treasury for the purchase of typewriters, used in the schools, and the money went to that purpose.

Mr. SAYERS. Do you think this is a right way to administer the school fund?

Mr. POWELL. That was a mistake; but we would have to buy typewriters out of the next appropriation.

Mr. SAYERS. It is not right to this committee to come here and plead mistakes, errors, and omissions.

Mr. CANNON. Whose mistake was it?

Mr. POWELL. It was the mistake of the property clerk. It was not a mistake of mine.

Mr. SAYERS. Is it an ascertained deficiency?

Mr. PETTY. I have the bills right here.

Mr. SAYERS. Have you paid \$529.73 for typewriters?

Mr. PETTY. The cost of typewriters amounted to that.

Mr. SAYERS. How many did you purchase?

Mr. POWELL. I do not know.

Mr. PETTY. If they had not paid this money out it would not now be asked for.

Mr. SAYERS. I want to know how much you paid for typewriters, and how many you got.

Mr. PETTY. I think we pay \$85 for the Remington typewriter. That is what the Departments pay. I know that we get them at the same price.

POLICE COURT.

Mr. SAYERS. The next item is the police court.

Mr. PETTY. I have a note here from the judge in reference to that.

The letter was read, as follows:

POLICE COURT OF THE DISTRICT OF COLUMBIA, JUDGES' OFFICE,
Washington, D. C., November 28, 1893.

GENTLEMEN: The appropriation bill for the fiscal year ending June 30, 1893, made no provision for an engineer for this building. It was absolutely necessary, on account of the valuable heating apparatus in the building and also the extra work necessary to be done on account of its enlargement, that some one be appointed to that position. William Gale took the position with the understanding that he was to have no claim against the District for the time included in that fiscal year until an appropriation therefor should be made by Congress, and he did the work very satisfactorily from March 1 to June 30, 1893, but has received no compensation therefor. In the appropriation bill for the present fiscal year provision is made for him at the rate of \$900 per annum. He ought to be paid for the time he worked during the last fiscal year, and we therefore urgently recommend that an estimate be made for said time at the rate of \$900 per annum. We request that said provision be made for him in the urgency deficiency bill.

Very respectfully,

T. F. MILLER,
I. G. KIMBALL,
Judges Police Court, District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Mr. SAYERS. Are these rooms heated in the month of June?

Mr. PETTY. They are used for other purposes. This building was remodeled.

DISTRICT MILITIA.

Mr. SAYERS. There is a bill here from the Washington Gaslight Company incurred by the militia.

Mr. PETTY. That is \$21.50. It is ascertained.

Mr. SAYERS. Tell me how this indebtedness is contracted. Whenever the militia have a social meeting or anything of that kind does the Government pay for the gas?

Mr. PETTY. We pay all the charges for gas burned at the armories.

Mr. SAYERS. Whether it is used when the militia is occupying the building for private or social purposes?

Mr. PETTY. Whenever they assemble for any purpose gas is used. Gen. Ordway can answer that.

TUESDAY, June 5, 1894.

STATEMENT OF MR. J. T. PETTY, AUDITOR OF THE DISTRICT OF COLUMBIA.—Continued.

Mr. SAYERS. On page 26 of the bill is an item for the relief of the poor.

Mr. PETTY. That first item is a deficiency in the appropriation for the municipal lodging house. That was the first year it was in operation, and we ran over the appropriation, if you will remember.

Mr. SAYERS. Are you justified in incurring a deficiency?

Mr. PETTY. The principal item there is for the salary of Mr. Dunn, the superintendent, \$78.90. He has not received anything for that month. Two of the other items are for groceries, one is for a clock, and another is for renewal of insurance, \$11.50. We get the building without rental, and the Comptroller held that we could not pay that.

Mr. SAYERS. Have all these judgments been examined carefully?

Mr. PETTY. Yes, sir. I have been over them pretty carefully. They are regular judgments of the court.

Mr. SAYERS. What about the one for the Anglo-American Insurance Company?

Mr. PETTY. The Anglo-American Insurance Company undertook to do business in Washington, and we assessed personal taxes on its capital stock. They contested its payment, but finally they did pay \$1,250 personal taxes for that fiscal year. They resisted payment by going into court, and they recovered back the \$1,250. This was a fraudulent concern, and we broke it up. They did, however, pay \$1,250 personal taxes, and their attorney, William A. Meloy, went into court and got judgment against the District. The concern is no longer in existence, and was pronounced to be fraudulent.

Mr. SAYERS. I notice there is an item to pay William B. Forsythe for making three plats in block 43, Holmead Manor.

Mr. PETTY. I consider that that is a just and meritorious claim. On June 20, 1874, when the board of public works was abolished, Congress abolished the salary of the surveyor of the District, who had previously received \$1,800 a year, and from that time on he has been entitled to charge fees whenever we required his services. In the city there was a fee law, but in the county there is not. The present Comptroller held that under that act we had no right to pay Mr. Forsythe, except as provided in the table of fees, and that, as a consequence, we have to-day in the office suspended payments amounting to \$300.

Mr. SAYERS. Did he do this work for the District of Columbia?

Mr. PETTY. Yes, sir; he did it in the discharge of his duties. It is not an exorbitant bill by any means.

Mr. SAYERS. Do you know anything about the item in reference to defending suits in claims?

Mr. PETTY. That has reference to cases where parties had claims under the board of public works and brought suit?

Mr. SAYERS. There is an item on page 2, document 189.

Mr. PETTY. That is \$17.50 due the Evening Star. That was a notice issued to parties interested in the Brightwood public school. It is a legal notice.

Mr. SAYERS. There is another item of \$35.85.

Mr. PETTY. That is also for notice provided by law, with the exception of \$1.80 for a hearing?

Mr. CANNON. What do you mean by "hearing?"

Mr. PETTY. The Commissioners advertised that persons interested in it could come to say anything they desired for or against the bill. The others are legal notices.

Mr. CANNON (to the chairman). Have you pursued the policy of rejecting these bills for hearings?

The CLERK. The old appropriation simply read for general advertising. The committee found that the Commissioners were having hearings, and decided in future to allow only bills for advertising authorized by law. The idea of the committee was that the accounting officer would reject any of these bills for advertising hearings on the ground that they were not authorized by law.

Mr. PETTY. No hearings have recently been held. The Commissioners who incurred this indebtedness are now no longer in office. The Evening Star can recover against the District in court, and I think you would make no mistake to appropriate this amount.

Mr. CANNON. How much were these items, all told?

Mr. PETTY. Two hundred and six dollars and sixty-six cents are for hearings. We are not having hearings any more.

Mr. SAYERS. The next item is witness fees, police court.

Mr. PETTY. That amount will be required. We have spent the whole of the appropriation of \$4,500 up to the middle of March, and yesterday afternoon I found,

by inquiry of the clerk who has charge of that, that there is only \$11.60 left; so that \$1,500 will scarcely be enough to pay indebtedness. It takes about \$6,000 to pay witnesses' fees in the police court. We spent that much last year, and will spend that much this year.

The SAYERS. The next item is to pay witnesses for 1890 and 1891.

Mr. PETTY. There are \$10 for 1891 and \$1.25 for 1890.

Mr. SAYERS. There are several judgments here following the name of Charles Cowles.

Mr. PETTY. One item of \$656.10 should come out of the police fund. That arises in this way: David Patterson was found dead, and the coroner took \$656.10 from his person, and the District Commissioners ordered that to be covered into the police relief fund, as no heirs or claimants were found. After that one of the creditors appeared, filed a claim, and asked a hearing. The court gave him a hearing, and he got judgment for \$656.10. I think that ought to be restricted to the relief fund. I do not think the Government ought to pay any part of this.

Mr. SAYERS. Is that under the control of the Commissioners?

Mr. PETTY. Yes, sir.

Mr. SAYERS. Why can they not take that out of the fund?

Mr. PETTY. The judgment will have to be appropriated for. I think they would have authority, but that is questionable. It has always been the custom.

Mr. SAYERS. Submit the question, in writing, to the Comptroller, and let us know about it.

Mr. PETTY. I will do so.

Mr. SAYERS. If you have authority to take money and put it into a fund, why should you not have authority to take money out of a fund?

Mr. PETTY. It comes to us like all other judgments.

Mr. SAYERS. The next item?

Mr. PETTY. That is \$100 in amount. Three parties were injured by the falling of a telegraph pole, and all three recovered judgments. The District attorney appealed two of the cases, feeling that the District was not responsible for the accident; but this one was such a small amount that he felt he would not make any fight against it, but concluded to pay it.

Mr. SAYERS. Is not this a precedent? Why pay \$100, if it is not right, any more than pay \$10,000?

Mr. PETTY. The judgment of the attorney was that it would cost more than that if it went to trial.

Mr. SAYERS. Is it too late to take an appeal in this \$100 case?

Mr. PETTY. I am sure it is. The attorney has written on the paper, "No appeal—S. T. Thomas."

Mr. SAYERS. The next item is William Ballantyne & Sons.

Mr. PETTY. That is for goods furnished to the District. You instructed us not to allow any deficiency, and we have not incurred any deficiency since then. This bill is for goods furnished, and ought to be paid.

Mr. SAYERS. Document 222, contingent expenses, public schools.

Mr. PETTY. Fifteen hundred dollars is asked for contingent expenses of the public schools. It is an unusual situation to have such a shortage as that in that appropriation.

Mr. SAYERS. You had an appropriation of \$30,000 for that purpose?

Mr. PETTY. Yes, sir.

Mr. SAYERS. At what date was all that expended?

Mr. PETTY. We have not had anything for a month.

Mr. SAYERS. When is the school out?

Mr. PETTY. The 20th of this month.

Mr. SAYERS. What is the exact date when the appropriation was exhausted?

Mr. PETTY. I will give you that by reference to the books. I think it was a month ago since we had anything. This is a deficiency of about \$1,500.

Mr. SAYERS. Is that an actual deficiency?

Mr. PETTY. Part of it is. We have been printing the minutes of the board, which will be \$50. There is an item of gas for April, \$192.93; May and June, \$150. There is insurance, ice, removing night-soil, hauling, and other items, the total of which is \$640. Then we have an item of \$330 for diplomas, and \$182 for the hire of a hall, and \$300 for the closing exercises, making \$1,122.22.

Mr. SAYERS. Did you not state that you had been directed not to incur a deficiency for contingent expenses?

Mr. PETTY. That was for the District office. I do not consider that this deficiency ought to have occurred. It seems to me that there has been some mismanagement. I asked Mr. Powell a day or two ago about it, and he did not seem to be able to give any explanation of it.

Mr. SAYERS. You say you think this entire deficiency ought not to have been incurred?

Mr. PETTY. I think it ought not to have been incurred, considering what we were required to do.

Mr. SAYERS. You think this is a piece of unnecessary extravagance?

Mr. PETTY. I think the fund has not been husbanded properly. Whose fault it is, I am not able to say.

Mr. SAYERS. Who has charge of this fund?

Mr. PETTY. The superintendent of public schools.

Mr. SAYERS. Anybody else besides him?

Mr. PETTY. The Commissioners might exercise control over it.

Mr. SAYERS. Have they done so?

Mr. PETTY. They have not done so. I know that this is one of the cases where we were confronted with it before we knew of it.

Mr. SAYERS. Has the entire amount of \$30,000 for the past year been under the control of the superintendent of public schools?

Mr. PETTY. Yes, sir. He gives all the orders for disbursements under that appropriation. The Commissioners, of course, sanction the orders he gives.

Mr. SAYERS. When the Commissioners sanction his orders, do they not investigate not only the status of the appropriation, but the character of the orders?

Mr. PETTY. Ordinarily we do not follow the head of a Department, in that way. We will do it in future. We are sorry it occurred.

Mr. SAYERS. You feel that there is no excuse for this deficiency?

Mr. PETTY. I do not believe there is. I want, however, to say that a failure to appropriate this \$640 would be a great hardship to a worthy class of men—colored men who have done hauling at a moderate rate, and of this amount \$300 goes principally to them.

Mr. SAYERS. How much of that appropriation do you think ought to be made?

Mr. PETTY. I consider \$640 ought to be appropriated. As to the diplomas and hire of hall, that is a matter I would have to leave to you. The same is true of the item for graduating expenses. It has been the custom for a great many years to give those diplomas. I should dislike to see it discontinued.

Mr. SAYERS. Have diplomas been issued?

Mr. PETTY. I do not know.

Mr. SAYERS. Then if they have not been, you had better notify them not to issue them.

Mr. CANNON. Hold on about that.

Mr. PETTY. I should like to see that appropriation made, and I hope you will hear the superintendent of schools on that subject.

Mr. CANNON. You say that there has been extravagance, or possible extravagance, in the expenditure of this fund. Have you given that such careful consideration that you can say it is extravagance?

Mr. PETTY. I could not, without going through the appropriation.

Mr. CANNON. Last year it was \$30,000, and is there not a greater number of school children this year than last year?

Mr. PETTY. Yes, sir.

Mr. CANNON. Then we either gave too much last year or too little this year. Let me ask you if the giving of diplomas and hiring of a hall has not been usual?

Mr. PETTY. Yes; it is customary.

Mr. CANNON. These closing or graduating exercises take in all the schools?

Mr. PETTY. No; it is only for the graduating exercises of the high school.

Mr. CANNON. That is part and parcel of the system; that has been looked forward to, I suppose, during the whole school period?

Mr. PETTY. I consider this is a legitimate expenditure. Do not understand me to say that I am opposed to the hiring of a hall. All I mean to say is that I believe that such a great deficiency might have been avoided. Here is an item, for instance, of \$2,000 for books to put in the library. That might have gone over, as it was not an absolute necessity.

Mr. CANNON. Do you know how badly it was needed?

Mr. PETTY. I do not believe those books were absolutely necessary.

Mr. CANNON. Have you examined the library to see?

Mr. PETTY. I could tell by going through the library.

Mr. CANNON. These schools are growing constantly?

Mr. PETTY. Yes, sir; I hope you will not take my word for it, but will hear the superintendent of schools.

Mr. SAYERS. Are you not coming with larger deficiencies this year than you have heretofore?

Mr. PETTY. We have nothing to do with the item for support of prisoners. Our real deficiencies are very small.

Mr. SAYERS. Don't you think that in the interest of proper administration we should put a clause in this item of contingent expenses for public schools that it

should be expended upon the recommendation of the superintendent, or under the direction of the Commissioners?

Mr. PETTY. That is practically the law now. We are required to know for what the money is expended.

Mr. SAYERS. So that the Commissioners are responsible for all this as well as Mr. Powell?

The CLERK. The law is stringent enough.

Mr. PETTY. We have enough law. It is our duty to do that.

Mr. SAYERS. You want to strike out Freedman's Hospital, page 3, document 189?

Mr. PETTY. Yes, sir.

Mr. CANNON. Why does that go out?

The CLERK. The presumption is that it would be inoperative.

Mr. PETTY. The fiscal year has about expired.

Mr. CANNON. You want to withdraw that?

Mr. PETTY. Yes, sir; we are going to try to have an ambulance established. But this is not the place to ask for that. For the relief of the poor there are \$1,200 asked for medicines. At the time this item was estimated for it looked as if there would not be enough money on hand to pay for medicines for the poor. The health officer wrote letters to the Commissioners requesting that they would arrange for an appropriation of \$1,200, but the druggist who heretofore furnished medicines for the poor learned of the circumstance of the want of money and he donated what medicine was needed for the poor. I, therefore, withdrew that.

Mr. SAYERS. What is the next?

Mr. PETTY. You asked the other day as to typewriters purchased out of some school fund. There were eleven typewriters purchased, at \$66.66½ each, which makes some \$733.

TUESDAY, June 5, 1894.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

STATEMENT OF MR. A. B. BROWN, ATTORNEY.

Mr. SAYERS. We will now hear the attorney of the Georgetown and Tennallytown Street Railway Company on Mis. Doc. No. 137.

Mr. BROWN. Mr. Chairman and gentlemen of the committee, I will be very brief in what I have to say. The Georgetown and Tennallytown Railway Company extends from High street in Georgetown to the District line. Under the appropriation of 1891 provision was made for widening High street to Thirty-fifth street opposite our power house. The provision in the statute was that the railroad company should pay half the cost. The wording of the provision was for opening, paving, and widening, so much. The provision was that we should pay half the cost of widening. Under our charter we were to pay for widening our tracks, and we did pay \$5,375 for that. The Commissioners erroneously issued certificates against us for additional cost in widening and paving outside of our tracks. After the certificates were issued, the matter was brought to our attention, and, in looking at the statute which said that the provision was for widening, we thought it could not possibly mean widening and paving. We submitted that to the attorney, and he concurred in that view, and so advised the Commissioners. The Commissioners made a recommendation for an appropriation to redeem those excess certificates. The amount which the company owes is \$3,500, and the excess of certificates was \$2,500.

Mr. SAYERS. That you have never paid?

Mr. BROWN. No, sir. The company is in a hard way, but we have made arrangements now to settle it.

Mr. SAYERS. Why is it that there is 10 per cent interest on those certificates?

Mr. BROWN. The certificates were made that way against us to bear 10 per cent.

Mr. SAYERS. Who holds those certificates?

Mr. BROWN. I presume they have been sold by the contractors or put up as collateral for loans. Our information is that two men have bought in those certificates. It is admitted to be an error on the part of the engineer's office.

Mr. SAYERS. Who were the engineers who made this mistake?

Mr. BROWN. They were issued last summer.

Mr. PETTY. The Commissioners then were Messrs. Ross, Parker, and Powell.

Mr. SAYERS. It is strange that they should make such a mistake as that.

Mr. CANNON (after reading). It seems to me perfectly plain; but you are required in addition to pave between the tracks, to pave one-half of High street.

Mr. BROWN. But we are not to pay the cost of widening High street.

Mr. CANNON. It says one-half shall be charged to the Georgetown and Tennallytown Street Railway Company of the District of Columbia, and collected from said company in the same manner as the laying of other pavements. What was the cost of widening?

Mr. BROWN. That street originally was 66 feet wide, and by continued encroachments it became narrower. I know that, because I was born there. That made the street narrower than was contemplated on the plans. There was not driveway sufficient to pass on each side of the tracks. The proposition to widen the street involved the resetting of the curb.

Mr. CANNON (reading). And one-half the cost of widening High street shall be charged to the Georgetown and Tennallytown Railway, etc. If I understand, they have not only charged the cost of widening, but one-half the cost of paving?

Mr. BROWN. Yes, sir. They paved with block, whilst we had to put in vitrified brick between the tracks. We simply stand upon the language of the statute.

TUESDAY, June 5, 1894.

CONVICTS, DISTRICT OF COLUMBIA, SUPPORT OF.

STATEMENT OF MR. HOWARD PERRY, CLERK, DEPARTMENT OF JUSTICE.

Mr. SAYERS. Page 26, support of convicts. How much did you have on hand on the first of this month?

Mr. PERRY. None at all.

Mr. SAYERS. When was this appropriation expended?

Mr. PERRY. The third quarter of the fiscal year was paid in full.

Mr. SAYERS. Did you pay all of the third quarter?

Mr. PERRY. Yes, sir; the Treasury Department pays—I do not think they paid quite all. We asked for a larger appropriation.

Mr. SAYERS. When was the appropriation exhausted?

Mr. PERRY. The accounts for the three quarters were \$23,800.

Mr. SAYERS. So you are \$2,000 behind the three quarters?

Mr. PERRY. Yes, sir; that account was submitted about the middle of April.

Mr. SAYERS. If \$23,800 lasts three quarters, how does it come that you want \$13,000 for the fourth quarter?

Mr. PERRY. The fourth quarter amounted to \$8,537.10 for 1893, and there was a balance of \$2,882.30 from the previous quarter.

Mr. SAYERS. There was a balance from the third quarter of how much?

Mr. PERRY. Two thousand eight hundred and eighty-two dollars and thirty cents, and there was an item of transportation of \$2,144.13.

Mr. CANNON. These claims seem to be audited?

Mr. PERRY. Yes, sir; we ask for \$13,000 more than you gave us in the beginning

TUESDAY, June 5, 1894.

CHARITIES, DISTRICT OF COLUMBIA.

STATEMENT OF JOHN TRACEY, SUPERINTENDENT OF CHARITIES.

Mr. SAYERS (to the clerk). Has there ever been a deficiency presented to Congress for charitable institutions before the present one?

The CLERK. No, sir.

Mr. SAYERS (to Mr. Tracy). You come forward now for the first time in the history of this matter, so far as we can remember, with a deficiency for charities, and we would like to have you explain why it is that you have contracted a deficiency.

Mr. TRACEY. It arises in this way: There was a certain number of institutions for the care of children, and 40 per cent of their former appropriation was taken and given to the Board of Children's Guardians of the District of Columbia, and the Board of Children's Guardians has not expended the whole of the appropriation

allowed, \$24,200. A part of this deficiency, therefore, is only apparent. The institutions concerned, however, have made application for the restoration of that 40 per cent under the plea of their very urgent need. The matter did not originate with the suggestion of the superintendent of charities in the first place. The Industrial Home School made application for a hearing upon the subject last winter, and the Commissioners heard their application. On the representation of their condition, the Commissioners instructed the auditor to place in the deficiency bill, when it should be prepared, \$2,000 for that Industrial Home School. That paper was referred to me, and the instructions which came to me were to prepare similar clauses for other institutions, if they desired to made them on the same grounds, so that the whole subject might be brought before Congress. I did so, and on the 26th of January, 1894, I wrote letters to the Commissioners of the District, which have been forwarded to you, explaining this matter and how it arose. Subsequently, as so much time had lapsed, I wrote to the institutions concerned for a statement up to the middle of May, so that the matter might be brought down to the present time. I have received letters explaining the necessity in each case.

In a general way it was supposed that this 40 per cent would be returned to the institutions for the maintenance of the children in them. That, however, has been the case only to a limited extent, so that 40 per cent has been totally lost to some institutions and has been only partially recovered by others. I have in each case a statement of the matter showing financially how they stand and the need and extent of the deficiency.

Mr. LIVINGSTON. How is this \$2,000 to be expended? Give the items.

Mr. TRACY. It is stated here. I have verified the statements. The buildings for the Industrial Home School are in very bad repair. They have had to use for maintenance the money collected for repairs. The roof of the building is leaky.

Mr. LIVINGSTON. When does this school close?

Mr. TRACY. It is never closed. It is an industrial home school, and it is never vacated. They have incurred quite an affliction from the prevalence of scarlet fever, which has caused their expenses to increase.

Mr. CANNON. There are one or two things I know from what I heard last session, and I would like to ask about them. I never looked into it because I am not a member of the subcommittee having them in charge. What is your official position?

Mr. TRACY. I am superintendent of charities of the District of Columbia.

Mr. CANNON. That office was created during the last Congress?

Mr. TRACY. It was created in 1890. My predecessor took office in 1891. The act was passed August 6, 1890, but I came into office in April of last year; and I think it is but just to say that this matter originated before I came into office. I have the history of each institution. In my last quarterly report I have a statement of their present condition.

Mr. LIVINGSTON. Speaking of this Industrial Home School, you referred to leaks in the roof of the building and other expenses incurred on account of scarlet fever. What will it require under those two heads?

Mr. TRACY. I have an itemized statement of the matter. Two thousand dollars was only about half what they wanted, and the Commissioners concluded they could get along with \$2,000, and recommended that they be allowed that amount. For a detailed statement up to the present time, I would have to send for the superintendent of the institutions, which I can do, if you wish.

Mr. SAYERS. You had \$7,680. When was that appropriation exhausted?

Mr. TRACY. The appropriation has been exhausted now practically during the last quarter ending March 31.

Mr. SAYERS. That is a third quarter. How much of this \$2,000 is an ascertained deficiency?

Mr. TRACY. I think the deficiency is more than \$2,000. They have \$350 a month expenses. Their salary account is \$250 a month.

Mr. SAYERS. To whom does that go?

Mr. TRACY. To the superintendent and matron, and the carpenter.

Mr. SAYERS. Do you mean to say that you have taken the salaries of the people and appropriated them to other uses?

Mr. TRACY. No, sir. They have not had money enough to meet them, because they have had to pay this money out to struggle along.

Mr. SAYERS. They do not take men's salaries.

Mr. TRACY. I only report on the institutions. I do not administer them. They have no money left with which to meet these salaries.

Mr. SAYERS. How is this institution conducted?

Mr. TRACY. By a governing board.

Mr. SAYERS. Is it supported entirely by the Government?

Mr. TRACY. Not entirely, but mainly by the Government. It is governed by a governing board. Its principal source of revenue is the Government appropriation.

It is in a building owned by the District of Columbia. It realizes about \$1,000 a year.

Mr. LIVINGSTON. Explain, if this school is in a District building, why they want repairs?

Mr. TRACY. They do their own repairing. The building was assigned for this purpose. The cultivation of the farm will revert to the Government. It is the old Washington poorhouse building, which was allowed for that purpose.

Mr. SAYERS. Give me a statement to make up the \$2,000 for which you ask.

Mr. TRACY. It is \$1,350 for salaries.

Mr. SAYERS. Salaries to whom? Name the people, and recite how much is due to each.

Mr. TRACY. Shall I send it up, or send it to you now?

Mr. SAYERS. Give it to us now.

Mr. CANNON. Is this a penal institution?

Mr. TRACY. No, sir.

Mr. PETTY. Heretofore they were allowed to spend all the appropriation, but under the law 40 per cent of the amount was turned over to the Board of Children's Guardians.

Mr. SAYERS. The object of this is to get around that law?

Mr. PETTY. I believe there is no actual deficiency of the 40 per cent turned over to the Board of Children's Guardians. There may be some unexpended.

Mr. TRACY. There is.

Mr. SAYERS. How does that come about?

Mr. TRACY. It stands as a deficiency, but there is no way to get it to those institutions.

Mr. SAYERS (to Mr. Petty). Please give me that information.

Mr. PETTY. I have nothing to do with it.

Mr. SAYERS. I think, however, you are able to answer the question. Is not the object of these deficiencies to get around that 40 per cent clause; in other words, to make available the funds which are now not available on account of the 40 per cent clause?

Mr. PETTY. I have no doubt that is the object of it; but I had nothing to do with its preparation.

Mr. SAYERS. Then why did they not ask for a repeal of that 40 per cent clause?

Mr. TRACY. It has been asked for. I asked for it in my annual report.

Mr. SAYERS. Suppose the committee allows these deficiencies. Will not these institutions not only get the appropriation which has been divided but also this appropriation?

Mr. PETTY. No, sir; that will not be expended by the Board of Children's Guardians in that case.

Mr. TRACY. I have got what you asked for a moment ago, and I will make it clear to you if you will hear me.

Mr. SAYERS. All you want done is to be permitted to use this money?

Mr. TRACY. Yes, sir; that unexpended 40 per cent. It amounts in all to about \$8,000.

Mr. SAYERS. What you want is a clause which will be sufficient to allow the Commissioners to use that unexpended money?

Mr. TRACY. That would be entirely satisfactory. Some of the institutions received a good deal and some received nothing. It is probable that the money appropriated last will be lost. The Board of Children's Guardians, as I explained, deal only with criminal court children.

Mr. CANNON. Let me see whether I understand it; there was an appropriation made under the head of charities. Then 40 per cent of that appropriation was by direction of Congress placed under the control of the Board of Children's Guardians. Sixty per cent was committed to the institutions themselves.

Mr. TRACY. As to certain institutions.

Mr. CANNON. Now, I understand from you, that of this 40 per cent, only a portion has been expended?

Mr. TRACY. Yes, sir.

Mr. CANNON. And more can not be expended; and that leaves a balance of \$8,000 of this 40 per cent?

Mr. TRACY. Yes, sir.

Mr. CANNON. All you want is to use the unexpended balance of that 40 per cent to be applied to these different institutions pro rata?

Mr. TRACY. Precisely in proportion to what they have received.

Mr. SAYERS. If we give you that clause, that will be sufficient?

Mr. TRACY. Yes; because we do not want to ask for an increase of the appropriation.

Mr. SAYERS. You want the total of the appropriation for this year to be used as heretofore, without any deficiency?

Mr. TRACY. Yes, sir. I do not want any increase; I simply want to distribute

among the institutions the unexpended balance which will remain to the credit of the Board of Children's Guardians.

Mr. SAYERS. Then, will you please draw up a clause that will cover that?

Mr. TRACY. Yes, sir.

Mr. SAYERS. And then, at the same time, let me know the actual amount of the unexpended balance?

Mr. TRACY. Yes. We can not tell to a cent what it will be until the 1st of July, but we can tell very closely. I have, up to last night, the exact amount of everything, and I can give it to you within a few dollars.

Mr. LIVINGSTON. You have got \$1,350 for salary, and what will be the cost of repairing that roof?

Mr. TRACY. I have not gone over that, but I have a general statement.

Mr. SAYERS. How long will it take you to prepare that statement?

Mr. TRACY. The Board of Children's Guardians had spent, up to the 1st of this month, \$14,101.60. They have \$10,000 left yet.

Mr. SAYERS. Give us a clear and succinct statement of that.

Mr. TRACY. I will do so.

General deficiency bill—District of Columbia charitable institutions.

Strike out all under that head and insert the following:

The Commissioners of the District of Columbia are hereby authorized and directed to apportion, allot, and distribute any balance of the appropriation for the Board of Children's Guardians of the District of Columbia remaining unexpended at the close of the fiscal year ending June 30, 1894, among the institutions which were remitted to said appropriation and to the law establishing said board by the act of March 3, 1893: Such distribution shall be made ratably according to the amounts deducted in the appropriations for the fiscal year ending June 30, 1894, from the appropriations for the fiscal year next preceding, being a uniform deduction of about 40 per cent. In such distribution allowance shall be made proportionately for any sums received through the Board of Children's Guardians by each of such institutions respectively, namely, the Church Orphanage of St. John's Parish, the German Orphan Asylum, the National Association for the Relief of Destitute Colored Women and Children, the St. Ann's Infant Asylum, the St. Joseph's Asylum, the Association for Works of Mercy, the House of the Good Shepherd, the Industrial Home School, and the St. Rose's Industrial School.

This is a proposition for the distribution of a surplus, not one to impose taxes to meet a deficiency.

The appropriation for the Board of Children's Guardians for the fiscal year ending June 30, 1894, is \$24,200.

Of that appropriation, by act of March 3, 1893, \$5,000 was rendered "immediately available" for "administrative purposes," and expenditures under that head commenced May 1, 1893.

Up to June 1, 1894, the Board of Children's Guardians expended for all purposes a total of \$14,101.60.

Quarterly bills to be met at the close of June amount to \$1,379, and regular expenses for "administrative purposes" and for "general purposes"—maintenance of the children, etc.—will bring the total expenditures of the board to July 1, 1894, for fourteen months of administrative service and twelve months of general service, up to about \$16,700.

There will consequently be, at the expiration of the fiscal year, an unexpended balance of the appropriation amounting to at least \$7,500.

It is this sum which it is proposed to distribute by the amendment above suggested.

The fund for the Board of Children's Guardians was derived from a deduction of 40 per cent from the appropriations for the year ending June, 1893, to certain child-caring institutions of the District which were by the statute "remitted * * * to the appropriation herein made (namely, for the Board of Children's Guardians), for all rights and benefits," apart from the specific 60 per cent appropriation left to them by the act.

Of the fund created by this 40 per cent deduction the institutions concerned have received back through the Board of Children's Guardians, up to June 1, 1894, only \$3,477.30.

Payments by the board during the month of June to those institutions amount to \$698.54.

The institutions deprived of the 40 per cent consequently receive back in all to the close of the year only \$4,175.84.

This is less than one-fifth of the fund of which they were deprived, and for participation in the benefits of which they were remitted to the appropriation for the board.

The sum unexpended by the Board of Children's Guardians, unless distributed as

proposed, will be lost to the charities of the District during a year of great and special need on account of stinted contributions during hard times, and the inability of industrial institutions to make their usual earnings from lack of custom. The letters of application filed with your committee indicate the extent of their present distress; and itemized statements showing outstanding obligations which they are without means to meet will be filed forthwith.

The reasons for the inability of the Board of Children's Guardians to expend its appropriation are found in the provisions of law limiting the work of the board to children committed to it, under 16 years of age, by the police court or the criminal court of the District; and also in the system of the board which requires total surrender of rights of kindred and absolute wardship by the board until majority. These conditions restrict the operations of the board to kinless waifs or to the children of mothers who are willing to surrender them forever. This class is only a small fraction of the dependent children of a large community necessarily objects of public care for longer or shorter periods. There are less than 200 children falling within the scope of the Board of Children's Guardians within the District of Columbia annually. Although 27 children were transferred to the board from District institutions, the total number of wards of the board at present is only 173, and of that number 60 are in institutions. The number finally indentured up to date is 44, the remainder being in private homes where board is paid excepting 25 in private homes on trial with a view to indenture. There are wards of the board outside of Washington in Maryland, Virginia, New Jersey, Pennsylvania, and Alabama, as well as the District of Columbia.

The total number of the wards of the Board of Children's Guardians is less than the number in the District Reform School for boys alone, and is only about 10 per cent of the total number of juvenile dependents of the District.

Of the institutions affected by the appropriation for the Board of Guardians, several care for dependents who by reason of age, as well as other considerations, are not within the jurisdiction of the Children's Guardians' Board. Such is the case with the aged women whom the National Association for Destitute Colored Women and Children is obliged to maintain in accordance with its charter, and with inmates of the Association for Works of Mercy, the House of The Good Shepherd, and St. Rose's Industrial School over 16 years of age.

Of the total sum of \$4,175.84 paid by the Board of Children's Guardians to the institutions concerned during the year, \$3,650.35 goes to two institutions, namely, the Industrial Home School and the National Association for the Care of Destitute Colored Women and Children, the other seven institutions receiving in all only \$525.49. Of these the Church Orphanage of St. John's Parish, the German Orphan Asylum, the St. Joseph's Asylum, and St. Rose's Industrial School receive nothing. St. Ann's Infant Asylum gets \$117.67, and the House of The Good Shepherd \$66.54. Hence it seems equitable that the institutions deprived of the 40 per cent should receive a ratable distribution of the surplus, with reference to the payments made to them respectively from the Board of Children's Guardians' fund.

It is proper to state the manner in which the deficiency applications of the institutions were inserted in the Treasury estimate. The first step was a hearing last winter by the Commissioners of the District of a committee of a delegation from the board of managers of the Industrial Home School, after which the Commissioners notified the superintendent of charities that they had instructed the Auditor to include a claim of the institution for \$2,000 in the estimates of deficiencies. Thereafter, upon inquiry by the superintendent of charities, that officer was directed by the Commissioners to prepare statements regarding other institutions making similar applications, which was accordingly done in a communication to the Commissioners dated January 26, 1894, on file with your committee. On consultation it was determined that the best way to secure equitable distribution of the surplus in question was to incorporate the claims in the deficiency estimates, while their true character was explained in the following terms in the letter of January 26:

"The appropriations recommended will not actually increase the year's expenditures to the extent of their aggregate, for the reason that the Board of Children's Guardians will not expend the full amount of the sum reserved to that board by the 40 per cent deduction. Up to January 1, the Board of Children's Guardians had expended \$7,070, and its expenditures for the fiscal year are not likely to exceed double that amount. The total appropriation for that board was \$24,200, and it is probable that \$10,000 of it will be unexpended, and thus, to that extent, counterbalance the deficiency appropriations requested."

The reason why the surplus turns to be less than was then expected, is a general increase in the rates of expenditure by the Board of Children's Guardians, including a uniform advance in payments of board of children from \$6, \$7 and \$8 per month to the maximum rate of \$10.

JOHN TRACEY,
Superintendent of Charities, District of Columbia.

JUNE 6, 1894.

TUESDAY, June 5, 1894.

CUSTOMS SERVICE.

STATEMENT OF MR. CHARLES S. HAMLIN, ASSISTANT SECRETARY OF THE TREASURY.

MR. SAYERS. In Ex. Doc. 231 you ask for \$185,000 to cover deficiencies in customs. Can you explain this?

MR. HAMLIN. Yes sir. The explanation is that the miscellaneous receipts from fines, penalties, and forfeitures have fallen off about \$100,000 on account of the decreased importations. At the same time there has been an increase in cost of detection or prevention of frauds from \$26,000 to \$41,000, which exactly makes up the amount for which we ask a deficiency.

The Fairchild Commission was appointed to investigate charges which were brought by the Dry Goods Chronicle, a paper in New York. We felt that that matter ought to be investigated by an impartial commission. In addition to that, we asked the commission to investigate the matter of hat-trimming refunds. The expenses were very large, some \$18,000 or \$19,000; but we discovered in one case alone enough to save the Government at least \$30,000. The commission went into the whole question of the hat-trimming refunds. There are 1,690 suits against the Government in those cases on a question of tariff rates, and the total of the claims amounts to \$55,000,000. In order to go thoroughly into that question we had to have good men—the very best we could get. They made one exhaustive report on bonds, and a report on the whole administration of customs of the port of New York. We feel that the result of their labors has paid the Government more than twice over. The effect of it will be to cut down the hat-trimming refund claims, and possibly throw a great many of them out.

The falling off in miscellaneous receipts, which is over \$100,000, was caused by a falling off of importations. Some years ago, prior to the repeal of the moiety act, the amount which we received from fines, penalties, and forfeitures frequently amounted to \$2,000,000 a year, and this made the total customs appropriations \$7,000,000. After the moiety act was repealed it took away from the Government officers this incentive to prosecute seizures, and they began to grow smaller and smaller, and now they are down to not more than one-third of what they formerly were.

MR. SAYERS. As the seizures become fewer, of course the frauds become greater in amount and number.

MR. HAMLIN. The revenues have fallen steadily off.

MR. SAYERS. So that the experience of the Department has not been such as to approve the policy of the repeal of the moiety act?

MR. HAMLIN. That is a hard question to answer. From a revenue point, we have lost tremendously. Our receipts are not much more than one-third as great as they were when we had the moiety act. About 1874 we got \$2,000,000 a year, and now we only get about \$700,000. Of course it varies. In that case, of course, we are depending upon more appropriation. If that falls off, it simply creates a deficiency.

MR. SAYERS. Is it your opinion that you require this amount?

MR. HAMLIN. Yes, sir. We figured it out mathematically on account of those two fallings off. The World's Fair comes in in that, to some extent.

MR. SAYERS. To what extent?

MR. HAMLIN. I think very nearly \$100,000 in an increase in expenditures. Of course, we have \$5,500,000 in increase of customs, and about \$500,000 deficiency appropriation. The World's Fair made net about \$500,000. We took in increased duties \$700,000, and our increased expenses were \$200,000. Of course, the receipts were all covered into the Treasury.

MR. SAYERS. You are not permitted to use out of the receipts money sufficient to cover your expenditures?

MR. HAMLIN. No, sir. It goes into the Treasury, as all other tariff duties do.

MR. SAYERS. Have you with you an itemized statement of the receipts and expenditures of customs for the last three years?

MR. HAMLIN. Yes; I have it from 1889 to 1893.

MR. CANNON. You have expended this year for collection of customs \$140,000 more than last year?

MR. HAMLIN. Yes, sir; that is due to the World's Fair.

MR. SAYERS. All of it?

MR. HAMLIN. Yes; to the Fairchild's Commission and the World's Fair. There is an increase in expenditures and in receipts.

MR. SAYERS. Please give the expenses for the World's Fair and the Fairchild's commission.

MR. HAMLIN. The World's Fair duties were \$836,786.85, and the expenditures were \$234,634.54. That is, roughly, \$500,000. The excess of receipts over expenditures were \$602,152.31. That appears in a special report.

Mr. SAYERS. How much was the cost of the Fairchild's commission?

Mr. HAMLIN. \$17,830.35.

Mr. SAYERS. So that the World's Fair and the Fairchild's commission account for this excess of expenditures for this year?

Mr. HAMLIN. Yes, sir.

Mr. CANNON. That accounts also for the larger increase of receipts?

Mr. HAMLIN. But the receipts for the World's Fair come through the revenue received from customs. Of course, it is \$700,000 in two years.

Mr. CANNON. The chairman asked you about the moiety act. That dates back to 1874?

Mr. HAMLIN. Yes, sir.

Mr. CANNON. I understand you to say that the experience of the Department is that the repeal of that law very considerably affected the revenues?

Mr. HAMLIN. Yes, sir; there is a tendency undoubtedly where you give informing officers a share of the seizures for the officers to attempt to make seizures which ought not to be made. There is an officer now who both detects and seizes, and he gets a specific share; yet it is indubitable that we do not collect now what we formerly did.

Mr. CANNON. You have got the same principle, but it is not so efficient?

Mr. HAMLIN. No, sir; the officer is not directly interested in seizures. From a revenue point of view, it is not so efficient.

TUESDAY, June 5, 1894.

MILITIA, DISTRICT OF COLUMBIA.

STATEMENT OF GEN. ALBERT ORDWAY, COMMANDER OF THE DISTRICT MILITIA.

Mr. SAYERS. I see you have an item of \$21.50 for pay for gas, due the Washington Gaslight Company.

Gen. ORDWAY. I do not know anything about that. That came through the engineer's office, and it is not in my estimates.

Mr. SAYERS. Rent, fuel, light, care and repair of armories for 1893, \$2,185.

Gen. ORDWAY. I can explain the armories deficiency for 1893 and for this year very clearly, I think. At the last session of Congress the Committee on Appropriations discussed quite at length the amount that should be allowed for armory rent. The estimates amounted to very nearly \$17,000. The committee would not appropriate but \$14,500, but inserted a clause under which the Commissioners expected to obtain rents at that reduction. The provision was that the Commissioners should rent armories for a period not exceeding three years; in other words, that as the armories would have to be fitted up, landlords were not willing to put up buildings unless they could be assured of a tenant for that length of time. Congress adjourned on the 4th of March, and after this bill was approved appropriated \$14,500 for rent of armories. It was thought that we would have one by the 1st of July at that price. That estimate came in too late for the House to act. It went to the Senate committee and the Senate did not take it up until about forty-eight hours before the hour of adjournment. They met at 12 o'clock in the night, and nobody could appear and there was no item inserted. I should have turned the troops out, but there was no appropriation to pay for the expense even of doing that.

Mr. SAYERS. That is for rent, fuel, light, care, and repair of armories for 1893? You said that it was anticipated that by renting three years, instead of from year to year, you would be able to reduce the appropriation?

Gen. ORDWAY. Yes, sir.

Mr. SAYERS. I notice, however, that you have asked for a deficiency of \$2,020.15, which is \$155 less than that for 1893.

Gen. ORDWAY. Yes; and the same thing went on. The 1st of July came, and I immediately inserted an advertisement in the newspapers for proposals for furnishing an armory at a rental of \$14,500. Then the financial crash came on immediately afterwards, and nothing whatever could be done.

Mr. SAYERS. You ought to have been able to take advantage of that financial pressure.

Gen. ORDWAY. No, sir; we were not.

Mr. SAYERS. Rents did not go up?

Gen. ORDWAY. No, sir; but we could not get anybody to erect a building for that purpose. It could not be done at that time. Mr. Warder agreed to erect a building, but he subsequently died, and that arrangement was not carried out. Of course, the financial trouble still exists, more or less; but within sixty days I have completed arrangements. A party promises to put up a building and furnish it completely with light, heat, etc., at the rental of \$14,500.

Mr. SAYERS. That will include rent, fuel, light, care, and repair of armory?

Gen. ORDDAY. Everything.

Mr. SAYERS. So that for this year, beginning 1st of July next, the expenditures will be only \$14,500 a year? When will you be able to get into that building?

Gen. ORDDAY. I think about the last part of September or first of October.

Mr. SAYERS. Have they begun the building yet?

Gen. ORDDAY. Contracts have just been let for the excavation. I suppose the excavation will be begun next week.

Mr. SAYERS. Can they build it in three months?

Gen. ORDDAY. Yes; it is not a building which requires much ornamental work.

Mr. SAYERS. Will it be a strong building, and not in danger of falling down?

Gen. ORDDAY. Yes, sir. Originally they wanted to have the walls of lath and plaster, but I required that the building should be of brick, for both safety and strength.

Mr. LIVINGSTON. What will it cost?

Gen. ORDDAY. The ground on which it is to be located is near the Liberty Market, and the building and grounds will cost from \$85,000 to \$100,000.

Mr. LIVINGSTON. Then you propose to pay 14 per cent?

Gen. ORDDAY. No, sir; it is only about 7 per cent. This building does not include a drill hall. The party purchased the ground of Riggs, the banker. The ground is opposite Convention Hall and the Northern Liberty Market. That is a very fine hall, and that hall is to be rented three nights in the week for a drill hall. On the investment he will get about 7 per cent.

Mr. CANNON. Fourteen thousand five hundred dollars rental covers fuel, light, and drill hall?

Gen. ORDDAY. Everything. It is one of the best bargains that could be made.

Mr. LIVINGSTON. Do you think it is a bargain to pay 7 per cent on the investment?

Gen. ORDDAY. We wish you would build one, for the Government could get money at 3 per cent.

Mr. SAYERS. By the time we paid for fuel, lights, water, etc., it would amount to more.

Gen. ORDDAY. Yes; the moment the Government erects a building, instead of one janitor they want four or five. You know how that is. That is an explanation of this deficiency.

Mr. CANNON. If we give you this will you come back for another deficiency?

Gen. ORDDAY. No, sir.

Mr. CANNON. In the next bill you will not come back for a deficiency for the buildings that you now occupy, or will occupy after the 1st of July?

Gen. ORDDAY. No, sir; I am going to give up one building. During the summer the troops do not have to drill, and I can get rid of one building. The other items are necessary. We need 94 padlocks for lockers.

Mr. SAYERS. For 1893 you want an appropriation for lockers, gun racks, and furniture?

Gen. ORDDAY. You can strike out all those for 1894. You can take out \$114 and \$325. When I made this estimate I expected I would need those items.

Mr. SAYERS. How many more can I take out?

Gen. ORDDAY. You can take all for 1894; but we will want to insert \$15 for printing and stationery.

Mr. SAYERS. What is the next item?

Gen. ORDDAY. The next is for 1893. I have explained the armory rent.

Mr. SAYERS. The next is rent, fuel, light, care, and pay to the Washington Gas-light Company. How is it that you have such a deficiency?

Gen. ORDDAY. That was a deficiency reported in that year, and was not provided for by the committee.

Mr. SAYERS. Why not?

Gen. ORDDAY. That deficiency for the gas company was in 1891.

Mr. SAYERS. There must have been some reason why it has not been paid.

Gen. ORDDAY. I think it was in each deficiency estimate.

Mr. SAYERS. You have sent those items in immediately after they were incurred?

Gen. ORDDAY. It came in following each year.

Mr. SAYERS. You have an item to pay the Chesapeake and Potomac Telephone Company \$100. How is it that they are paid so much?

Gen. ORDDAY. That is the regular charge. We can not deal with the telephone company as we do with other people.

Mr. SAYERS. You want pay for music furnished as an escort at Admiral Porter's funeral?

Gen. ORDDAY. I paid for burying him. I furnished the music. There was no appropriation for a parade of the District National Guard. The Secretary of the Navy sent for me and asked if I would parade the District National Guard.

Mr. SAYERS. When did Admiral Porter die?

Gen. ORDDAY. In 1891.

Mr. SAYERS. Has this deficiency ever been sent forward?

Gen. ORDDAY. Yes. These deficiencies were printed, but got in too late for the House, and were sent to the Senate.

Mr. SAYERS. They have been sent in each year?

Gen. ORDDAY. Yes; this was the report of last year. That probably saved the Government about \$5,000, because an admiral is entitled to a certain military escort when he dies, and you would have had to bring troops from Norfolk or from New York. Our being here gave the Admiral a proper escort.

Mr. SAYERS. About all you have done is to act as escort on parades?

Gen. ORDDAY. All we have done—I do not like to boast so much as to what we have done.

Mr. SAYERS. Is it not a matter of fact?

Gen. ORDDAY. It is a matter of duty. We have been prepared to do duty at any moment, and I think the recent apprehension, and a knowledge that the District National Guard was available was an advantage to us.

Mr. SAYERS. There is an item to pay J. T. Moffett & Sons. When were these deficiencies created?

Gen. ORDDAY. In 1891. They are in the same executive document.

Mr. SAYERS. Were they brought forward at each session of Congress?

Gen. ORDDAY. Yes, sir; I know they were printed at the last session.

Mr. SAYERS. I notice that you have incidental expenses for President Harrison's inauguration.

Gen. ORDDAY. Yes, sir; and I also paid for President Cleveland's inauguration.

Mr. SAYERS. And here is an item to pay for Decoration Day in 1889?

Gen. ORDDAY. Yes, sir.

Mr. SAYERS. How is it that that has not been paid?

Gen. ORDDAY. I do not know. It is difficult to say; yet it is hard on those to whom money is due. I do not see any particular reason why I should pay it.

Mr. LIVINGSTON. No appropriation was made to pay it?

Gen. ORDDAY. It is proper that it should be paid.

Mr. LIVINGSTON. If it should be paid, why did not the Government pay it?

Gen. ORDDAY. That is what I am asking it to do.

Mr. SAYERS. Here is a deficiency for moneys actually paid by you in 1889; but I do not see that it has been paid before.

Gen. ORDDAY. Neither do I. It rest with your committee.

To Subcommittee on Deficiencies:

The committee asked me a question yesterday that I could not answer, but which I looked up last night and wished to answer this morning to them.

Question was whether deficiencies of 1889, 1890, and 1891 had previously been reported to Congress, and if so, why not paid?

On looking up I find that until last session the deficiencies were not reported or estimated for in detail with names of parties to whom due; that appropriations were made which only partially covered the general estimates—the estimates, in other words, were “scaled down” by the committee without any apparent reason. Last session the accounts remaining unpaid were reported and estimated for in detail, but, as explained, no deficiency appropriation was made last year. They are, therefore, repeated this year.

ALBERT ORDDAY.

ELEVENTH CENSUS.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, May 22, 1894.

DEAR SIR: I inclose herewith an item which, it seems to me, it would be wise to put in the general deficiency bill. There may be, on the completion of the work of the division of farms, homes, and mortgages, a few thousand dollars which the general appropriation for the Eleventh Census ought to be credited with in order to equalize expenses.

I feel quite sure that we can finish all the clerical work of the census under existing appropriations, and that nothing further will be called for next session except appropriations for printing and binding and proof-reading.

I am, respectfully,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

Hon. J. D. SAYERS,
Chairman, Committee on Appropriations, House of Representatives.

Any balance of the appropriation made March 3, 1893, for the completion of the work of the division of farms, homes, and mortgages of the Eleventh Census remaining unexpended on the completion of the work of that division may be placed to the credit of the Eleventh Census.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, May 25, 1894.

DEAR SIR: I find, in adjusting our final reports, that the inclosed paragraph is essential, and I trust you can put it into the general deficiency bill along with the paragraph I sent to you on the 22d instant.

I find that the report on social statistics of cities is a small affair of only about 150 pages, and not valuable enough to make a final report of 10,000 copies, as provided by law. Should it be printed as a monograph, in accordance with the suggestion inclosed, it will be in an edition of 3,000 copies, and will answer every purpose.

I am, very respectfully,

CARROLL D. WRIGHT,
Commissioner of Labor, in charge.

Hon. J. D. SAYERS,
Chairman, Committee on Appropriations, House of Representatives.

The Commissioner of Labor in charge of the Eleventh Census is hereby authorized to print the report upon social statistics of cities as a monograph instead of as a final report, as provided in "An act to provide for the publication of the Eleventh Census," approved February 23, 1893.

COURTS U. S., DEFICIENCIES FOR.

TREASURY DEPARTMENT, June 5, 1894.

Hon. J. D. SAYERS,
Chairman, Committee on Appropriations, House of Representatives.

SIR: I have the honor to transmit herewith a condensed statement prepared by the Attorney-General, under date of the 2d instant, at your request, of deficiencies in appropriations under control of the Department of Justice, which have been submitted to Congress at its present session and not yet provided for.

Respectfully, yours,

S. WIKE,
Acting Secretary.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 2, 1894.

THE SECRETARY OF THE TREASURY:

SIR: You are respectfully requested to transmit to Congress the following list of deficiencies applied for by the Department of Justice during the present session of Congress, for which no appropriations have been made. This includes former applications contained in Executive documents together with some additional items for fees of jurors, 1893, and fees of witnesses, 1893, and an increase of miscellaneous expenses in the sum of \$5,000, rendered necessary by late requisitions received by the Department for the payment of which there are no available funds.

This list is made up in accordance with the request of Hon. Joseph D. Sayers, chairman of the Committee on Appropriations of the House of Representatives:

Fees of district attorneys:

1892. Ex. Doc. 103	\$67. 00	
Ex. Doc. 159	837. 00	
		\$904. 00
1893. Ex. Doc. 103	25, 828. 32	
Ex. Doc. 159	460. 00	
		26, 288. 32

Special compensation of district attorneys:

1892. Ex. Doc. 103	\$1,500.00	
1893. Ex. Doc. 103	5,000.00	

Pay of special assistant attorneys:

1892. Ex. Doc. 103	4,000.00	
1893. Ex. Doc. 103	22,000.00	

Fees of clerks:

1893. Ex. Doc. 103	\$21,548.12	
Ex. Doc. 159	1,582.36	
		23,130.48

Fees of commissioners:

1892. Ex. Doc. 103	7,351.11	
Ex. Doc. 159	413.45	
		7,764.56
1893. Ex. Doc. 108	22,100.58	
Ex. Doc. 159	5,971.79	
		28,072.37

Fees of jurors:

1873. Ex. Doc. 103	506.50	
1887. May 19, 1894	12.00	
1890. Ex. Doc. 103	6.00	
1893. Ex. Doc. 103	15,355.62	

Additional requisitions—

District of Columbia	\$2,679.00	
New Mexico	567.10	
New York, northern district	11.00	
Texas, northern district	1,592.80	
		4,849.90

1894. Ex. Doc. 211	20,205.52	
		80,000.00

Fees and expenses of marshals:

1894. Ex. Doc. 211	50,000.00	
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Fees of witnesses:

1889. Department letter, April 25, 1894	\$5.40	
Ex. Doc. 103	105.50	
Ex. Doc. 126	108.55	
		219.45
1890. Ex. Doc. 103		95.10
1891. Ex. Doc. 103	\$19.80	
May 19, 1894	28.80	
		48.60
1893. Ex. Doc. 126	15,505.50	

Additional requisitions—

New Mexico	\$650.00	
Virginia, western district	305.10	
		955.10

1894. Ex. Doc. 211	16,460.60	
		150,000.00

Support of prisoners:

1885. Ex. Doc. 103	44.00	
1888. Ex. Doc. 103	114.55	
1889. Ex. Doc. 103	75.60	
1890. Ex. Doc. 103	499.79	
1891. Ex. Doc. 103	930.57	
1893. Ex. Doc. 103	\$123,100.64	
May 19, 1894	12,027.73	
		135,128.37

Pay of bailiffs:

1887. May 19, 1894	15.00	
1888. April 25, 1894	\$30.00	
May 19, 1894	69.50	
		99.50
1889. April 25, 1894	40.00	
May 19, 1894	40.00	
		80.00

1892. Ex. Doc. 103	1,019.00	
Balance 1894. Ex. Docs. 103 and 201	1,500.000	

Rent of court rooms:

1892. Ex. Doc. 103	\$394.77	
Ex. Doc. 159	350.00	
		744.77

Miscellaneous expenses U. S. courts:		
1885. May 19, 1894		\$106. 20
1891. May 19, 1894		255. 00
1893. Ex. Doc. 103		5, 034. 52
Balance 1894. Ex. Doc. 103	\$10, 000. 00	
Additional requisitions	5, 000. 00	
		15, 000. 00
Expenses Territorial courts Utah:		
1892. Ex. Doc. 103		4, 420. 53
Alaska—rent and incidental expenses:		
1893. Ex. Doc. 103		521. 52
1894. Ex. Doc. 103	\$1, 376. 33	
Ex. Doc. 159	142. 00	
		1, 518. 33
Alaska—traveling expenses:		
1894. Ex. Doc. 103		500. 00
Expenses Greer County litigation:		
Ex. Doc. 103		5, 000. 00
Expenses Department of Justice:		
1893. Ex. Doc. 103, stationery	\$18. 00	
miscellaneous	191. 54	
		209. 54
1894. Ex. Doc. 126, library	\$937. 30	
telegrams	4, 500. 00	
		5, 437. 30
Expenses of chief clerk:		
Ex. Doc. 100		17. 20
Opening of Oklahoma Territory:		
Ex. Doc. 107. Claims of certain deputies		1, 542. 00
Ex. Doc. 125. Claim of W. C. Jones, late marshal Kansas		830. 00
Letter May 23, 1894. Deputies {	J. J. Graham	642. 00
	E. P. Kelly	642. 00
Expenses U. S. courts, Indian Territory:		
1893. Ex. Doc. 126		261. 98
Suit of Peralta Reavis and wife v. The United States:		
Ex. Docs. 126 and 201		10, 000. 00
Legal services rendered the United States:		
December 15, 1893. Services of Alexander & Chalmers in defense of certain Indians		2, 000. 00
Ex. Doc. 58. Claim of Samuel Case for costs in case of Loftus		153. 95
Ex. Doc. 92. J. J. Hitt		110. 00
P. H. Winston		600. 00
C. R. Evans		250. 00
M. L. Mott		500. 00
W. E. Craig		259. 45
Marshall, Francis & Corbett		50. 00
John Lowell		300. 00
Ex. Doc. 211. R. W. Young		1, 000. 00
C. S. Varian		1, 000. 00
J. R. Boarman		40. 00
Ex. Doc. 171. A. M. Winston		115. 00
Ex. Doc. 182, account of Chinese Inspector J. G. McCoy		20. 00
May 19, 1894, Winston & Winston		250. 00
Compensation of assistants to U. S. attorney, District of Columbia:		
Ex. Doc. 65, increase desired		4, 200. 00
Fees of supervisors, northern district of New York:		
Ex. Doc. 211		30. 00
Claim of G. T. Larkin:		
Ex. Doc. 214 submitted		1, 976. 65

Very respectfully,

RICHARD OLNEY,
Attorney-General.

EASTERN BAND CHEROKEE INDIANS.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 10, 1894.

HON. JOSEPH D. SAYERS,

Chairman Committee on Appropriations, House of Representatives:

SIR: Yours of May 1, 1894, handing me draft of item for appropriation bill in the matter of the Eastern band of Cherokee Indians, of North Carolina, prepared by the Commissioner of Indian Affairs, was duly received. Before answering I took time to submit the matter to the special counsel for the Government, George H. Smathers, esq. He has conferred with the Commissioner of Indian Affairs, and together they have agreed upon an item, copy of which is inclosed, and which seems to me to satisfy all the requirements of the case.

Thanking you for your courtesy in the matter, I am,
Respectfully, yours,

RICHARD OLNEY,
Attorney-General.

Item for appropriation bill.

For this amount, or so much thereof as may be necessary, to be expended under the direction of the Attorney-General for the purpose of carrying into effect the two agreements of compromise in the two suits respectively, of the Eastern Band of Cherokee Indians *v.* William H. Thomas *et al.*, and of the United States *v.* William H. Thomas *et al.*, both now pending in the U. S. circuit court for the western district of North Carolina, set forth in detail on pages 7, 8, and 9 of House Ex. Doc. No. 128, Fifty-third Congress, second session, which agreements are hereby confirmed, made by A. C. Avery, attorney for R. D. Gilmer, trustee and administrator of J. R. Love, and for the *cestui que* trust, for which he holds, and as attorney for the heirs at law of W. H. Thomas, deceased, and George H. Smathers, special assistant U. S. attorney, attorney for complainants, indorsed and approved January 20, 1894, by R. B. Glenn, U. S. attorney, western district, North Carolina, in the one suit, and George H. Smathers, special assistant U. S. attorney, counsel for complainants, and W. B. Ferguson and G. S. Ferguson, attorneys for defendants, in the other suit, to settle and quiet title to lands in Qualla boundary, claimed by said Indians, and more fully set forth in said agreements of compromise; to perfect the title to other lands elsewhere in North Carolina to said Indians; to pay attorneys' fees and expenses in securing said compromise and carrying the same into effect; to pay the expenses of survey, preparing and executing deeds, and recording the same, and any other expenses incident to carrying said agreements into effect, \$68,000.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 10, 1894.

HON. JOSEPH D. SAYERS,

Chairman Committee on Appropriations, House of Representatives:

(Through the honorable Secretary of the Interior.)

SIR: During the last month, the draft of an item was informally prepared in this office for an appropriation of a sum of money to carry into effect certain agreements of compromise, referred to in House Ex. Doc. No. 128, Fifty-third Congress, second session, and for confirmation of said agreements, it having been incorrectly reported that no draft of such an item of appropriation had been submitted by the Department of Justice. In conference with the special counsel of the Government, Mr. George H. Smathers, after reading said executive document and satisfying myself that the agreements of compromise proposed were the best solution and termination of a prolonged and expensive litigation to perfect the title of the Indians to the lands described in said executive document, alike beneficial to the Indians, the Government, and the whites settled within and upon said land, I heartily approve the conclusions reached by the Department of Justice and concur with the Attorney-General in recommending the adoption of the item informally prepared in this office, and subsequently amended to meet the views of Mr. Smathers and the Department of Justice as satisfactory to this office in that it meets, in my judgment, all the requirements of the case.

It has been suggested that the Indians should have an option, either to take the land known as "the Love Speculation lands," lying between the Cathcart tract, the

Hughes Ridge, and the Balsam and Smoky ranges of mountains, estimated to contain about 33,000 acres of land, or have the money said lands would cost funded for their use.

I should deprecate such a movement as not in harmony with this compromise nor for the best interests of the Indians. The Qualla boundary, as represented by the diagram accompanying said executive document, shows a natural boundary of high mountain range known to Indians, as well as whites, duly located by a public survey, a fact that can not be too highly appreciated, whereas if this tract should be eliminated from the Qualla boundary, its northeastern boundary would then be limited to the outboundary of the Cathcart tract, an imaginary line, that presents no visible bar whatever to intruders.

One of the main objects of said agreements of compromise has been to secure to these Indians, as near as possible, an isolated tract of country that presented such topographical boundaries of natural objects as would unmistakably preclude involuntary intrusion.

Very respectfully,

FRANK C. ARMSTRONG,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR, May 11, 1894.

Respectfully forwarded to the chairman Committee on Appropriations, House of Representatives.

WM. H. SIMS,
Acting Secretary.

THURSDAY, June 7, 1894.

ALEXANDER AND CHALMERS, ATTORNEYS.

STATEMENT OF MR. GEORGE H. LAMAR, ATTORNEY.

MR. SAYERS. Now, Mr. Lamar, you may make your statement.

MR. LAMAR. The case is this: That in 1888 there were about 18 Indians who committed acts of violence out there in the Territory of Arizona and they were properly prosecuted under the United States laws then existing, but there was a question as to whether they should be prosecuted in the Territorial side of the court or the United States side of the court. Under the act of March 3, 1885, it was uncertain, and the district attorney and the judges out there were very much embarrassed to know how those cases should be brought. It was the practice then to try such cases in the United States side of court and that, of course, put the expense on the U. S. Government for their trial. There were 18 Indians indicted—some 14 or 18—and the matter of their defense was an important one. There was no appropriation for that defense, and the district judge requested the Department of Justice, by telegram to Mr. Garland, asking what to do in the matter of employing counsel, it being the duty of the district attorney ordinarily to defend those Indians, but the district attorney was prosecuting them, prosecuting them wrongfully, as the Supreme Court held afterwards they ought to have been prosecuted under the Territorial side of the court and not under the United States side. The Attorney-General referred the matter to the Secretary of the Interior, and the Secretary of the Interior to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs recommended—he wrote a letter to the Secretary saying it was very important those Indians should be defended, they being wards of the Government, and stating that there was no appropriation for their defense and asking that the district judge be directed to appoint counsel to defend those Indians. The Secretary of the Interior transmitted that letter of the Commissioner of Indian Affairs, in response to the reference by the Department of Justice, requesting that this course be pursued, and therefore the Attorney-General telegraphed the judge as follows.

MR. SAYERS. You need not read that; just leave those papers.

MR. LAMAR. Each of the three Departments, at least the Bureau of Indian Affairs, the Secretary of the Interior, and the Department of Justice, before the attorneys did any work at all, promised that they would ask Congress—

MR. BRECKINRIDGE. Who were the attorneys?

MR. LAMAR. Mr. Alexander and Mr. Chalmers.

MR. SAYERS. Did Alexander and Chalmers constitute one firm?

Mr. LAMAR. No, sir; they were separate individuals, I think, and it took twenty-four days to try the case.

Mr. SAYERS. Now, I understood you to say it took twenty-four days?

Mr. LAMAR. Yes, sir.

Mr. SAYERS. Before what court?

Mr. LAMAR. They were tried before the district court, and then it was appealed to the superior court of the Territory.

Mr. SAYERS. Before the U. S. district court?

Mr. LAMAR. Before the U. S. district court.

Mr. SAYERS. In the first place the trial was had before the U. S. district court?

Mr. LAMAR. Yes, sir.

Mr. SAYERS. How many days did that trial occupy?

Mr. LAMAR. That is the case where it took twenty-four days.

Mr. SAYERS. What kind of a trial was it. Was it tried before a jury?

Mr. LAMAR. Yes, sir; they were tried before a jury.

Mr. SAYERS. How did it come to the—

Mr. LAMAR. Then it was taken up on writ of error to the next higher court of the Territory, I think the supreme court of the Territory, and two cases were taken before the Supreme Court of the United States, one where the crime was committed in the Indian reservation, and the other out of the Indian reservation in the Territory of Arizona, and that brought before the Supreme Court of the United States the question as to whether under this act of 1885 they should be tried under the Territorial or the United States side of the court, and in the Thirtieth United States it was decided in favor of the Indians; that is, that they should be tried under the Territorial side of the court and the case dismissed. The United States would have saved a great deal of money by having that question passed—

Mr. CANNON. Who were the attorneys on appeal?

Mr. LAMAR. My partner, W. H. Lamar, argued the case before the U. S. Supreme Court, and had also associated with him ex-Solicitor-General Phillips.

Mr. CANNON. That is not involved in this?

Mr. LAMAR. No, sir; those attorneys employed the attorneys in Washington.

Mr. CANNON. This is merely an appropriation for Chalmers and Alexanders?

Mr. LAMAR. Yes, sir.

Mr. BRECKINRIDGE. What is the amount they ask?

Mr. LAMAR. Only \$2,000.

Mr. BRECKINRIDGE. That includes carrying it up to the Supreme Court of the United States?

Mr. LAMAR. Yes, sir; they had to employ counsel in Washington.

Mr. SAYERS. Do you mean to say this \$2,000 is intended to cover not only their own expenses for professional services directly, but also the expenses incurred by them in the employment of counsel at Washington?

Mr. LAMAR. Yes, sir; every cent.

Mr. SAYERS. Was the counsel in the city of Washington paid anything?

Mr. LAMAR. They have not been paid a cent up to date.

Mr. SAYERS. To whom do the Washington counsel look for payment?

Mr. LAMAR. To Alexanders and Chalmers.

Mr. SAYERS. And not to the General Government?

Mr. LAMAR. No, sir; we have no claim against the Government; the claim is only in the name of Alexanders and Chalmers.

Mr. CANNON. Did Alexanders and Chalmers have any assistance from the Attorney-General's office?

Mr. LAMAR. No, sir; the Attorney-General was prosecuting.

Mr. CANNON. This was for the total fee?

Mr. LAMAR. Yes, sir; but it was so important, however, that the district attorney employed counsel out there to assist him, a Mr. Campbell, who for his services alone an appropriation was requested, as referred to in my brief, of \$1,500 direct.

Mr. CANNON. Now, let me ask you this: This is to satisfy Chalmers and his partners, and the others are content to look to the Arizona people, are they?

Mr. LAMAR. Yes, sir.

Mr. CANNON. And that is \$2,000 for the whole thing?

Mr. LAMAR. Yes, sir.

Mr. SAYERS. When were these services rendered?

Mr. LAMAR. In 1888 the trial was brought, and the Supreme Court decided in 1890, as here set out (referring to papers).

Mr. SAYERS. Why has not this claim been brought before Congress before this time?

Mr. LAMAR. It has not been pressed forward, that is all.

Mr. CANNON. Is it recommended by the Attorney-General?

Mr. LAMAR. Yes, sir; strongly. He refers to it here, and it is all set out in my papers.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Capt. Charles F. Powell, Engineer Commissioner of the District of Columbia; Mr. G. T. Dunlop, president of Washington and Georgetown Railroad, and Mr. T. S. Carl, engineer Washington and Georgetown Railroad, appeared before the committee.

Mr. SAYERS. Mr. Cannon desires to ask you gentlemen some questions, and he will please proceed.

Mr. CANNON. In a word, I can tell you what I want to get at. I think Gov. Sayers, myself, and somebody else take to ourselves the credit of possibly hastening the construction of your line a little bit from here to Georgetown, and it is the common carriage for us all and a very good one, too.

Mr. CARLL. Thank you.

Mr. CANNON. But I rode in San Francisco on a cable line and also in Chicago, and I noticed a marked difference in the manner in which they run as compared with your line. Your line jerks sometimes in rounding curves so that a careless individual is apt to bump himself. Now, I want to ask why you do not run as smoothly as other people, and if you have not the appliances, why do not you get them, and so on and so on? I wish you would tell us that as fully as possible.

Mr. CARLL. First, really I must differ with you as to the fact that we do not run as smoothly as other people. Now, then, there are lines which do run, owing to the nature of the lines and grades and curvature, etc., a little steadier perhaps. Then there are other things which may enter into that. Now, when the Seventh street line was constructed that was a very jerky line. We used what was then considered the best tension carriages on the market, but they found it so jerky (that was before I came in connection with the company directly) that they had to put their engineers to planning entirely different carriages; which they did, and which have taken out at least one-half of the jerk along the Seventh street line. Those are the same carriages we put on the Avenue line when it was constructed, and, on the whole, the Avenue line and the Fourteenth street line, which is operated the same, have run pretty smoothly, although undoubtedly there is an occasional jerk from carelessness of the grip men, although we try to instruct them, as it came out in court the other day in a case where we were trying, and they brought together all the discharged men to testify against the company. One man testified that Mr. Dunlop discharged grip men who jerked the cars on the Washington and Georgetown Railroad, and that has been the rule wherever they catch a man jerking the car.

Mr. CANNON. Let me ask you a question, because I am not an expert, and I have no time to make anything more than a casual investigation of this subject. Somebody stated—of course I understand somebody is wise beyond his day and generation—but somebody stated that you gentlemen, for economical reasons or otherwise, had not the best grip that could be obtained, or the best brake that could be obtained. I recollect riding up with a gentleman the other day and he and I were discussing the matter as to why it was you had difficulty about stopping. You do not stop as promptly as they do in Chicago, as you are probably aware. I have not ridden very much in Chicago, but now as to the exact point: First, about grips; second, about brakes; third, about any appliances that are necessary now to give the best service; and I may say here that I do not know anything about grips or brakes, but I want to get at the facts, so I will be glad if you gentlemen will be as frank as possible and give us all the information you can in the least time.

Mr. CARLL. If I may be allowed to make a statement in the start. When the engineer department was employed by the Washington and Georgetown Railroad to construct this railroad it instructed them to get the best appliances which were on the market, without regard to the cost. Now, those were the instructions to the chief engineer and consulting engineer when they were employed by the Washington and Georgetown Railroad, and those have been the instructions from that time on. If there is any of this not first class, the engineer department is to blame and not the Washington and Georgetown corporation.

Mr. CANNON. What do you mean by the engineer department?

Mr. CARLL. The men who constructed the road.

Mr. CANNON. You mean the private engineer department—you do not represent the Government?

Mr. CARLL. No, sir; I refer to the engineer department of the Washington and Georgetown Railroad Company. The matter was put into their hands for the construction of this road. Daniel Bontecue, of Kansas City, was the consulting engineer. If there is any lack of modern appliances it is the fault of the engineer department and nobody else.

Mr. CANNON. How about since that time?

Mr. CARLL. Now, I have not seen any improvement as far as grip is concerned that is any better than the one we have. Now, they will tell you that the Broadway line has a good deal better grip than we have because it is operated from the

front end of the car instead of operating as we do. Now, that may be a little bit slower in operation, and it may jerk the car a little less, owing to the fact it acts slowly, but what you have seen on the New York grip car and what is used by us is practically the same grip as used in Chicago and in San Francisco. There are modifications, which we think are improvements on it.

Mr. CANNON. Improvements on what?

Mr. CARLL. Improvements in our grip. Of course, I do not know, but they may have made the same improvements in the course of the last few years.

Mr. CANNON. That is, there are modifications in the grip which you think are improvements on your grip?

Mr. CARLL. No; I say we made improvements on the root grip; what is called the root grip.

Mr. SAYERS. Are any of them better than yours?

Mr. CARLL. In my judgment they are not.

Mr. CANNON. Now, let me come to the brakes?

Mr. CARLL. We use on our cars two brakes, a wheel brake and a track brake. Now, if the cars are not stopped quick enough, I say it is the fault of the gripman. There is no way I know of that a car can be stopped quicker than by the use of a track and wheel brake. Now, then, in regard to wheel brakes, possibly a great many people get a wrong idea and think the quickest way to stop a train is to lock the wheels, but that is not true. On steam railroads they do not allow their air brakes to lock the wheels so that they will slide, but they throw the pressure just enough so the wheel will once stop, and that makes the quickest stop. The air brakes for street railroads have not been much used, but the Jennett people have an air brake which I can not say anything more than it is used on One hundred and twenty-fifth street and Third avenue. The Jennett people have been on here and we have been talking with them in regard to an air brake.

Mr. CANNON. Now, do you say to the committee that in your judgment your brake is as good as any other?

Mr. CARLL. As good as any other; yes, sir.

Mr. LIVINGSTON. I have noticed that they stop the 14th-street car coming down that heavy grade opposite the Chinese legation without any trouble whatever?

Mr. CARLL. I will say when our first carriages came here we put on a very hard brake shoe, a chilled brake shoe and the wheels are chilled, so the hard brake shoe and the hard chilled wheel coming together did not make good friction and we had trouble with those brake shoes and took them off. Now there may be a few cases on which those shoes are still on; I mean those were not as perfect as they ought to be, and with them you could not stop as quickly as you ought to, but my impression is the majority of those are off.

Mr. SAYERS. Now, so far you have only spoken of brakes and grips; are there any other appliances or anything new that has been constructed where it is practical for you to put in which would better the road?

Mr. CARLL. Now, there is only one other thing and that is in the couplings, and that is the matter we are working on. We have couplings we are experimenting with. It is a thing Mr. Dunlop has had under consideration. We are satisfied we can get better couplings; we are not quite satisfied with the couplings we have tried, but we are trying to see if it is enough better to warrant the company adopting it.

Mr. CANNON. Let me ask you this question: In building this road were you employed by this railroad company or by the contractors to build it?

Mr. CARLL. No, sir; the railroad company employed the engineer department.

Mr. LIVINGSTON. I want to suggest, that in my experience of three or four years, the fault is in the gripman. He will stop a train sometimes too suddenly and then he will just shove the grip on all at once, and he has almost pulled my back in two once or twice.

Mr. CARLL. I stated that in the start.

Mr. LIVINGSTON. I want to say the green-car gripmen are a great deal worse than the yellow-car men. I travel on the avenue, sometimes on the Fourteenth-street cars, and sometimes on the Georgetown lines, and the Georgetown gripmen are worse than the others.

Mr. CARLL. Let me ask you a question. Do you happen to strike the same car frequently in going to the Capitol?

Mr. LIVINGSTON. Yes.

Mr. CARLL. Now, there may be some one man who is bad in that respect, and if he is I would like to get hold of him.

Mr. LIVINGSTON. I think if you gentlemen will look into that closely, you will find it is the fault of the gripman more than anything else.

Mr. CARLL. As I remarked at the first, there is a good deal of jerking owing to the gripmen.

Mr. BRECKINRIDGE. Do you pay your gripmen enough wages to get good men?

Mr. CARLL. Yes, sir.

Mr. BRECKINRIDGE. Then the appliances seem to be all right but not the human element in starting and stopping?

Mr. DUNLOP. I want to say the Washington and Georgetown Railroad Company has never restricted the engineers in anything in regard to money. We have told them, as Mr. Carll says, to get the very latest improvements in all appliances, in both building the road and operating the road, and there has been no restriction in that regard. There is not an appliance that is brought to my office that has been investigated and he thinks we ought to have to use on our road but what I tell him go further with the investigation, and if it is thought advisable to adopt it. Now, this matter of couplings we have been investigating in the last six or eight months, and I think there is something in it. I told him only last week, when we got into a car and rode together over the whole line, there were some disadvantages about it, but I think some advantages also, but we expect to adopt that coupling. I do not think there will be any doubt about it. It takes a little time. We do not think it is advisable to rush into everything which every patentee brings along, as you understand. I think all of you here will recognize this. We like to investigate these things first to see whether they are really the improvement they claim they are. Now, there are no restrictions in regard to money. There is no disposition upon the part of the management of the Washington and Georgetown Railroad Company not to spend money to make it a perfect road and the most perfect system in the country. We take pride in it, and we believe we have the best system in the country.

Mr. CANNON. There is no laying back waiting for patents to expire that could be met with a reasonable expenditure?

Mr. DUNLOP. No, sir; we do not think about that at all. That has not presented itself to us. Where there may be some improvement we immediately take it up and commence to work on that regardless of who holds the patent or anything about it.

Now, in regard to this matter of the gripmen, that is a matter which comes directly under me and the superintendent of the road. I have been somewhat interested in it in the last year. I have taken it upon myself to appoint these men, with Mr. Carll's assistance, trying to get an improvement in the gripmen, and when I have ridden on the road I have watched the men, and, as he has told you, I have taken them off on account of this jerking. I remember the last man I took off, Senator Proctor was on the car; I know him personally very well, and I got on at the power house going to Georgetown and he got on somewhere on Fifteenth street, at the transfer, I think, and between that and Seventeenth street, two squares, he was jerked around considerably, but he got out at Seventeenth street near the State Department. When I got to Georgetown I walked around to the car and I said to the gripman, "How long have you been on here?" He said, "I have worked for the company for eight years." I said, "You handle your car very roughly." Well, he gave me some impudence and said, "Get on and try it yourself." I just called the superintendent and told him to take him off. This is the man who appeared in the court against us. It turned out afterwards on investigating that further that the superintendent found out the gripman had some spite against the conductor and he was trying to jerk the conductor off the back platform. Now, those are things which we can not find out, you understand, until we come across them, but when we do know them we do away with them very quick. This man had some difficulty with the conductor and he was trying to wreak vengeance on him.

Mr. CANNON. The only point I have is this: You evidently have a road that is a handsome road, doing plenty of business; doing a good deal of business, not a plenty you may think, but carrying a good many people. You have some curves and you have some trouble. All I want to say about it, and the object of this inquiry was in your own interest, as well as in the interest of human life and in the interest of the public, as fast as betterments can be applied they ought to be, unless it was brought to a point of extravagance beyond what you could reasonably expect the company should undertake.

Mr. DUNLOP. It is hardly necessary to dwell on that. There will never be any lack on the part of the Washington and Georgetown Railroad. The directors give me *carte blanche*.

Mr. CANNON (to Capt. Powell). With the consent of the gentlemen of the committee, what do you say in regard to this; have you given any attention to it?

Capt. POWELL. Well, yes, sir; I have given a little attention to it. I think there is a defect in the whole cable system from which this jerking results that can not be wholly avoided. It can be somewhat by the motorman and perhaps by the grip appliances, but the cable is moved by power from machinery and when that grip is placed on the cable the car has got to go from that instant. Now, one of the best cable roads in the country besides this one is on the Olive street line, St. Louis, where the grips and brakes, I believe, are just the same as those used here. They have one advantage there on the old line in having a perfectly straight line and no

curves, and on the extension to Forrest Park it turns two corners, but here they not only have some corners to turn, but three circles to go around.

There is another line I would look on as a good line, and that is the Sioux City line, but that is perfectly straight and rides very smooth and easy. I only know about one road where there is a different appliance for the grip, and that is the Broadway cable, and it was necessary to have something in the crowded condition of the streets so that the car would not be moved at a high velocity at first, that the car should be more under the control of motorman, and they have a little different grip, but exactly what it is I do not know. Instead of having it operated by a lever it is operated by a circle like an ordinary car-brake wheel, and I am told that the motorman can apply that grip to the cable with more or less friction as he desires as he handles the grip. As he puts it on the grip must necessarily slip a little on the cable and not take it up at the full velocity of the cable, otherwise the car would move right off, but as it is it moves slowly, and when he has a clear way he can grip the cable a little tighter and go faster. But I may say there may be very decided objections to that kind of a grip. If the grip slips it certainly wears on the cable, and if it cuts a strand it is liable to make an accident, and I believe there have been several accidents occurred on Broadway resulting from that. Now, whether that grip is on the whole much better than the one used here I am not able to say.

MR. CANNON. As far as I am concerned, and with the consent of the committee, I will say to you, as you are the Engineer Commissioner, I am quite sure the subcommittee would be glad if you would have your eyes about you as to this system and other systems, and, with the disposition which these gentlemen manifest on consultation, if there is anything which will give better service you will suggest it and be prepared to give information from time to time if it is necessary to be given.

MR. DUNLOP. I think Capt. Powell will bear me out in the statement that on several occasions the Washington and Georgetown Railroad has never hesitated to make all necessary improvements.

Capt. POWELL. Yes; that is true.

MR. CANNON. I am very glad to hear you say so, as, in my connection, not in an official way, but as a stockholder with some smaller street-railway companies here and there, my observation is in the main the small companies go along as best they can and sometimes do without when they have to.

MR. DUNLOP. I want to say, gentlemen, frankly the Washington and Georgetown Railroad Company has never adopted that plan, but has gone on the idea that all improvements should be put in that were necessary, and that money had nothing to do with it, and I think the building of this road will show that. We will not stand back on the money question at all. When there is anything really practical that ought to be used, it will be used.

MR. CANNON. Well, that is my carriage and I want to see it good.

PUBLIC SCHOOLS, DISTRICT OF COLUMBIA.

STATEMENT OF MR. W. B. POWELL, SUPERINTENDENT OF PUBLIC SCHOOLS.

MR. SAYERS. We wish to ask you in regard to an estimate you have for \$1,500 for deficiencies for contingent expenses of public schools. Now, you had \$30,000 this year, and yet you come before us with an application for \$1,500 more deficiency. You have exclusive control over this contingent fund, and it has been stated to this subcommittee that with proper management this deficiency ought not to have occurred.

MR. POWELL. Yes, sir; I think this has been reduced to \$1,130, has it not, Mr. Courts?

MR. SAYERS. Well, say \$1,130.

MR. POWELL. Well, I will tell you frankly that when I recovered from a bed of sickness I found, to my utter amazement, that there was a deficiency.

MR. SAYERS. Well, who was the cause of that; how came this deficiency to occur?

MR. POWELL. It was occasioned by the carelessness of my clerk.

MR. SAYERS. Have you discharged him?

MR. POWELL. I have not.

MR. SAYERS. Why did not you?

MR. POWELL. I suppose I ought to do it, and perhaps I shall, but it is not in my power to discharge him.

MR. SAYERS. Well, whose power is it in?

MR. POWELL. The board of directors.

MR. SAYERS. Have you reported him to the board of directors?

MR. POWELL. I have.

Mr. SAYERS. Have you asked for his discharge?

Mr. POWELL. I have not.

Mr. SAYERS. Are you going to do it?

Mr. POWELL. I think I shall.

Mr. LIVINGSTON. Why do you use the word "think;" why not say yes or no?

Mr. POWELL. Well, it is about the same thing.

Mr. BRECKINRIDGE. How did it occur; was it merely through the carelessness of the clerk or was he an incompetent man to take charge of things? If he was an incompetent man, you must have known he was incompetent.

Mr. POWELL. There is a very large direction in which this money is expended and somehow or another he lost track of it. At the very beginning of the year allotments were made to the various Departments in which this was expended. Frequently during the year I asked him for the balance, almost always when I made requisitions, that is to a considerable amount, I asked him for the balance; and only three days before I was taken sick he told me there was a balance of several hundred dollars on the general allotment and a small amount we had allotted at the beginning of the year for closing exercises for issuing diplomas for high school graduates, etc., so I felt very easy over it, and, as I tell you, to my utter amazement, when I came to see the Commissioners Commissioner Ross told me there was a deficiency.

Mr. BRECKINRIDGE. How long were you sick?

Mr. POWELL. I was in bed three weeks, and I was sick about four weeks. I am just recovering.

Mr. BRECKINRIDGE. You have been at the head of the school system for how many years?

Mr. POWELL. For nine years, and we have not run many deficiencies.

Mr. SAYERS. I will tell you what I think, speaking for myself I do not think this deficiency is exactly proper.

Mr. POWELL. I think it is not myself.

Mr. SAYERS. You have absolute control over these expenses, and to retain in your service a clerk—you have not asked for his discharge; and if your attention had not been called to this this clerk would probably have been permitted to remain there.

Mr. POWELL. Well, he has been a good, faithful man; but it was my intention to ask him to resign at the end of the current year. We can not well dispense with him instantan and must carry him around until the end of the year, especially in my state of health, as there is so much that requires his attention.

Mr. BRECKINRIDGE. How long has he been your clerk?

Mr. POWELL. About four years.

Mr. SAYERS. How could he use this money you set apart—

Mr. POWELL. He could not without my signature.

Mr. SAYERS. Which you set apart for general purposes without your knowledge?

Mr. POWELL. He could not use it without my signature; but I would use it without any knowledge as to how much there was left. I trusted to his bookkeeping all the time.

Mr. SAYERS. Was his bookkeeping faulty?

Mr. POWELL. Yes, sir; it was faulty. There is a double arrangement there. We have to make our requisitions, and they go to the property clerk, and my clerk does not always know the cost of things. There is a little excuse; still I do not think there is a sufficient excuse.

Mr. BRECKINRIDGE. I suppose the explanation of it is that your clerk does not make any requisitions for money, but for property?

Mr. POWELL. He does not make any requisitions except to the property clerk.

Mr. BRECKINRIDGE. I understand your clerk makes out a requisition, which you sign, which requisition is for property and not money, and he takes this requisition to the property clerk of the District of Columbia, and the property clerk turns over to the proper school officer, whoever that may be, that property?

Mr. POWELL. That is right.

Mr. BRECKINRIDGE. And the sum of money which he pays for that property is entered upon the books and then reported to your clerk?

Mr. POWELL. That is right; but that goes astray sometimes unless it is watched very closely, and it is a hard matter to keep track of it.

Mr. BRECKINRIDGE. And in that way there might be discrepancies in the statements from the books kept by your clerk and the books kept by the disbursing officer in the interval in which the requisition has been made for property and return is made for the price of it?

Mr. POWELL. That is it, exactly.

Mr. SAYERS. I want to ask you in reference to diplomas. Is it not a general rule where diplomas are granted the persons to whom the diplomas are issued generally pay for them?

Mr. POWELL. Not in public schools, governor; but I think that is true of private

schools, because they make them pay for almost everything in private schools, but public schools do not.

Mr. BRECKINRIDGE. In this particular district in the last Congress they even went so far as to pay for the books used in the schools.

Mr. SAYERS. That has nothing, however, to do with diplomas.

Mr. BRECKINRIDGE. I am simply referring to the system. The children pay for nothing in the public schools?

Mr. POWELL. Nothing below the high schools; but we do not furnish books to the pupils of the high schools. I am as sorry about this as anything in my life.

Mr. CANNON. Let me ask, this is a deficiency of the clerk's bookkeeping; it is a matter of carelessness, and not a matter further than that?

Mr. POWELL. Not sufficient business knowledge and the difficulty with which he gets information.

Mr. SAYERS. I can see easily when he makes a requisition for property upon the property clerk, however, the property clerk reports directly as to the cost of that property?

Mr. POWELL. He ought to be able to estimate it.

Mr. SAYERS. Well, then, even independent of the estimate, can not he find out?

Mr. POWELL. Yes, sir; but the property clerk does not know always what it will cost.

Mr. SAYERS. When he purchases an article he ought to know and report it directly to your clerk so that he can keep up with this total of the fund?

Mr. BRECKINRIDGE. It has always to be cash or orders given, and the accounts come in against the District of Columbia property clerk?

Mr. POWELL. It is as good as cash, the accounts come in.

Mr. BRECKINRIDGE. But it is not always, when the property clerk gives an order and turns the property over is it not a cash transaction between the property clerk and the vendor?

Mr. POWELL. No, sir; the bills have to go to the Treasury and be audited.

Mr. SAYERS. That may be so, but the property clerk knows just what those articles cost, and it is the business of your clerk to obtain a statement from him when he makes a requisition as to the cost of the articles embraced in that requisition?

Mr. POWELL. That is right, and he ought to have done it.

Mr. BRECKINRIDGE. Evidently it is carelessness.

Mr. SAYERS. Well, carelessness in handling public money is criminal, that is just what it is.

Mr. POWELL. It is wrong.

Mr. CANNON. Take this matter of rent of hall, \$300 for your final exercises. This has been usual?

Mr. POWELL. Yes, sir.

Mr. LIVINGSTON. I do not see how your clerk can be at fault in this matter if you made the requisitions yourself. Is it not the whole truth that you made out the requisitions?

Mr. POWELL. I signed every requisition.

Mr. LIVINGSTON. Then how can you blame your clerk?

Mr. POWELL. For keeping me misinformed respecting the balances.

Mr. LIVINGSTON. But is it not your business to be informed? Why did you trust it to the clerk. Why did you trust his bookkeeping on a question like that? It is your business to be informed as to how much money you have, and how much you can buy. Why do you put yourself in the power of your clerk?

Mr. POWELL. I have to trust to the man—

Mr. LIVINGSTON. You are the superintendent?

Mr. POWELL. But I can not superintend the schools if I take charge of the books.

Mr. LIVINGSTON. You can not afford to trust this to a clerk, the disbursement of \$30,000, and make it come out even at the end of the fiscal year; you have got to do that yourself; your clerk is not supposed to know about these matters; he is your servant, and he has to do your bidding?

Mr. POWELL. I do not care to shift the responsibility at all; I am willing to take all responsibility I ought to have.

Mr. BRECKINRIDGE. What is the amount you actually need to pay it?

Mr. POWELL. It would take, as stated by the Auditor, \$1,130 to pay all the bills.

Mr. SAYERS. No, it takes \$640 to pay the actual expenses.

Mr. CANNON. And diplomas \$182, and rent of hall for final exercises, \$300.

Mr. SAYERS. How long do you use that hall?

Mr. POWELL. One night.

Mr. SAYERS. And you pay \$300 for it?

Mr. POWELL. Yes, sir.

Mr. LIVINGSTON. What hall is it?

Mr. POWELL. This large hall on K street.

Mr. CANNON. Convention Hall?

Mr. POWELL. Convention Hall; but that includes the making of a large stage to hold 350 graduates.

Mr. CANNON. I do not quite agree with you, Brother Livingston, in one thing, that people in public life do not have to trust their employés. The Secretary of the Treasury trusts 2,000, and we trust this man here (Mr. Courts), and so it goes on through.

Mr. SAYERS. Well, please do not let this occur again.

Mr. POWELL. It shall not occur again, in anything except fuel.

Mr. SAYERS. Because there is a reason why; it is the contingent fund, and Congress, as I understand, and the House, has always been very jealous and watchful about the expenditure of any contingent fund, so please do not let it occur again.

Mr. BRECKINRIDGE. When we put a sum of money in an officer's hands and give him discretion, our order is he shall not exceed that amount.

Mr. POWELL. Nothing in the whole nine years has worried me more than this thing.

INTERCONTINENTAL RAILWAY COMMISSION.

STATEMENT OF CAPT. E. C. STEEVER, SECRETARY INTERCONTINENTAL RAILWAY COMMISSION.

Mr. BRECKINRIDGE. This is the question of the payment of salaries of these officers of the Intercontinental Railway Commission, Mr. Davis, Mr. Kerens, and—

Capt. STEEVER. Mr. A. J. Cassatt, of Philadelphia.

Mr. BRECKINRIDGE. They have been Commissioners attending surveys of the Intercontinental Railway on the southern borders of Mexico down to Argentine, the expenses of which have been paid by the U. S. Government and contributions of Southern Republics.

Capt. STEEVER. Yes, sir.

Mr. SAYERS. I do not see any statement here as to the amount of these different delinquent States still due on this common fund.

Capt. STEEVER. That payment there shows how much they have paid. The United States have paid in three quotas, some others have paid two, and some one, and I think you will find he shows it there.

Mr. SAYERS. Now, in regard to the quota of the several American Republics towards this common fund—

Capt. STEEVER. In that second inclosure you will see how much they have paid in.

Mr. SAYERS. You have not got the balance?

Capt. STEEVER. No, sir; the question is whether we can make them pay or not as it is simply a voluntary affair on their part.

Mr. SAYERS. We understand that; it is not necessary for you to make that statement. What we want to do is simply to ascertain how much is still due from these different nations.

Capt. STEEVER. Well, that second inclosure shows it.

Mr. SAYERS. Here is a letter, gentlemen, which is written in regard to the services of these commissioners, and what I suggest is when we get through with this bill, is we go back to it and read it over carefully.

Capt. STEEVER. I have brought here the minutes of the commission, which will show how often they have met, and some other documents the commission have sent up, one for each member of the committee.

INTERCONTINENTAL RAILWAY COMMISSION,
WASHINGTON, June 1, 1894.

Hon. JOSEPH D. SAYERS,

*Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.:*

DEAR SIR: In reply to your verbal request of this date I have the honor to inform you that I have forwarded to each member of the Committee on Appropriations a copy of the minutes of the Intercontinental Railway Commission, from which it will appear that the commission was in session, either as a body or in the capacity of its various committees, from the 4th day of December, 1890, until the 22d of April, 1891, when the full commission adjourned, delegating its authority to an executive committee composed of those members who intended to remain in the United States.

This executive committee has been in session from time to time as occasion required, either to approve the steps already taken by the Washington office or to adopt measures for the future guidance of that office.

In addition to the regular sessions of the executive committee, Mr. A. J. Cassatt, the president of the commission and one of the three delegates representing the United States, has been in constant communication with the central office at Washington concerning the conduct of the surveys in the field and other business connected with the commission. It is not too much to state that during the last three years hardly a day has passed that has not required more or less of Mr. Cassatt's time to transact the business of the commission.

Mr. Davis, one of the delegates from the United States, in his capacity as chairman of the committee on finance has also been in frequent communication with the office, and although not as much of his time has been occupied as in the case of the president of the commission, still he has devoted considerable portion of it to the business of the commission.

Mr. Kerens, the third commissioner from the United States and chairman of the committee on trade and resources, has made a number of trips from his home in St. Louis to Washington, D. C., on business for the commission.

These three commissioners from the United States have served over three years, and during that time have received no compensation whatever from the U. S. Government for their services, either in the shape of salaries or expenses.

Although the amount of work required from these three commissioners has not been excessive or onerous, still, as they were duly appointed and commissioned by the President, with the advice and consent of the Senate, and their compensation having been fixed by the Secretary of State at \$3,000 per annum, it seems no more than reasonable that they should receive for their services the compensation determined upon.

I inclose a table showing the amounts of the quotas from the several countries towards the common fund of the Intercontinental Railway Commission. I also inclose a table showing the amounts paid in by these countries and the dates of said payments.

Concerning the apparent lack of promptness to pay on the part of some of the Latin-American Republics, it should be borne in mind that the United States, as the richest and most progressive of the countries of the Western Hemisphere, naturally took the lead in making contributions towards the expense of the preliminary survey conducted by this commission, and the other countries would not be apt to contribute until after they knew that the United States had paid its quotas towards the common fund. Therefore a delay on the part of some of the Latin-American Republics in making their contributions was to be expected. The recommendations of the International American Conference for making surveys to ascertain the practicability of constructing a railroad were simply to be binding upon those countries that should accept such recommendations. At the very outset of the meetings of the commission the delegates from Mexico, Argentina, and Uruguay stated that their governments declined to accept the recommendations of the conference, so far as any contribution of money was concerned, but agreed to complete in their respective countries the links necessary to form an intercontinental trunk line. Accordingly Mexico has continued the construction of a railway southward from its capital, and at last accounts the line was completed as far as Oaxaca, 400 miles from the city of Mexico and within 300 miles of the frontier of Guatemala. Argentina has finished its system to within 120 miles of the Bolivian boundary, and Uruguay has pushed hers towards the same point.

Of the remaining countries in Central and South America all that were represented upon the commission have contributed towards the enterprise, with the exception of Salvador, Venezuela, and Peru. Guatemala has paid her three quotas; Costa Rica, two; Columbia, one; Ecuador, three and more; Brazil, two; Bolivia, two; and Chile, one. Assurances have been received from both Peru and Colombia that their quotas will be paid.

I have the honor to remain, sir, your obedient servant,

R. M. G. BROWN,
Executive Officer.

Quotas of the several American republics towards the common fund of the Intercontinental Railway Commission.

Argentina	\$5, 000
Bolivia	1, 000
Brazil	15, 000
Chile	3, 000
Colombia	4, 000
Costa Rica	1, 000
Ecuador	1, 000
Guatemala	1, 200
Honduras	1, 000
Mexico	12, 000
Nicaragua	1, 000
Paraguay	1, 000
Peru	3, 000
Salvador	1, 000
United States	65, 000
Uruguay	1, 000
Venezuela	3, 000
Total	119, 200

Amounts paid in by the different countries towards the common fund of the Intercontinental Railway Commission with the dates on which they were received by the disbursing clerk of the Department of State.

United States, first quota, July 14, 1890	\$65, 000. 00
Chile, first quota, April 23, 1891	3, 028. 12
United States, second quota, July 1, 1891	65, 000. 00
Colombia, first quota, August 20, 1891	4, 000. 00
Costa Rica, first quota, November 3, 1891	1, 000. 00
Brazil, first quota, November 14, 1891	15, 000. 00
United States, third quota, July 16, 1892	65, 000. 00
Costa Rica, second quota, July 25, 1892	1, 000. 00
Ecuador, first quota, July 25, 1892	1, 000. 00
Brazil, second quota, August 23, 1893	15, 000. 00
Ecuador, second quota, September 15, 1892	1, 000. 00
Bolivia, first and second quota, January 11, 1893	1, 997. 31
Ecuador, third quota, February 4, 1893	1, 000. 00
Guatemala, three quotas, February 17, 1893	3, 600. 00
Total	242, 625. 43

SATURDAY, June 9, 1894.

PUBLIC PRINTING.

**STATEMENT OF MR. THOMAS E. BENEDICT, PUBLIC PRINTER,
ACCOMPANIED BY MR. JOSEPHUS DANIELS, CHIEF CLERK,
INTERIOR DEPARTMENT.**

Mr. SAYERS. Explain the necessity for this deficiency.

Mr. BENEDICT. The necessity for it is shown by the fact that I have from all sources, outside of leave-of-absence money, available on the 1st of June to carry the public printing through this month only \$231,436.83. I have a list which shows that there is only \$2,563 which can be used for leaves of absence; and \$45,000 of the \$231,436.83 is not in my hands and I can not count it.

Mr. SAYERS. At the rate of \$231,000 a month it would be \$2,700,000, which is almost as much as has heretofore been spent. In 1890 the appropriation was only \$2,680,000, and in 1891 it was \$2,700,000, but in that I think there were some \$100,000 of improvements.

Mr. BENEDICT. The public printing has been lower than that some years. I am speaking of the condition which will confront me before the 30th of June. Admitting that I will collect 90 per cent of this money which will be due us, I would have \$226,000 available for the month of June. I have written to all the Departments

making an urgent demand that they should cut down expenses this month, and they are responding favorably to my invitation. I hardly think I will collect 90 per cent of it, but if I did I would have \$226,000. The expenditure a year ago, when Congress was not in session, was \$345,000. Expenses are heavier in June, the last month of the fiscal year. We have notified the Patent Office and all the other Departments in reference to this matter. If this money is given it will be that much less next year. Congressional work is necessary this month, and that will amount to \$50,000 or \$60,000. The expenditures of the printing office per day will aggregate \$11,000. I am not buying any material; I am holding that down, and I had to refuse orders for material. For instance, they wanted to make an order of over \$4,000 for paper for the bindery to meet incidental demands of the Treasury Department, because, just as soon as the 1st of July comes, that Department is going to put in its order, and I may not have the paper on hand.

These are the conditions, and I am not in anywise responsible for them. If the money is not given me I will not expend it; but every dollar you hedge me in June will result in an additional demand in July. I will not stop the Congressional work, but I will stop the Departmental work. I will lay off every hand in the bindery that I can. I can not do the private binding for members of Congress, and I have hundreds and hundreds of bags of it. If you give me this \$100,000 you could allot \$20,000 of it to the Interior Department.

Mr. SAYERS. With \$100,000 you will carry both through?

Mr. BENEDICT. Yes, sir; surely. I know that you have already appropriated \$584,000 deficiency this year. That has been expended. I have not got it.

Mr. CANNON. There has been more printing done.

Mr. BRECKINRIDGE. Congress has been in session, and there are more Senators and Representatives.

Mr. BENEDICT. It will take every dollar I now have to pay labor for this month.

Mr. CANNON. You said that you had a small reserve for leaves of absence. Have you got enough to pay those who have been discharged?

Mr. BENEDICT. Only enough to pay those who have made demands on me this year. I have got men in that office whose accounts show that so much money is due them. Leaves have been due to the amount of \$30 to \$40. The accounts are on the books, but under the statute I am unable to pay them.

Mr. CANNON. You can not pay them next year?

Mr. BENEDICT. No, sir; simply on account of the decision of the Court of Claims—that they must be paid before the 1st of July.

Mr. LIVINGSTON. There are some ten or a dozen parties, some of them discharged by Mr. Palmer in November, others in October, and others in January. They have all got the same claim?

Mr. BENEDICT. They have the same claim as the gentlemen who have been recently discharged. The books of the office show that the money is due them. It is due if they either died, resigned, or were discharged.

Mr. SAYERS. I want to ask you what is done in case a man is discharged in your office either for insubordination, inefficiency, or improper conduct? In that case is he entitled to this leave-of-absence pay?

Mr. BENEDICT. Under the statute, he is. The last gentleman I talked to was Senator Washburn, who came to interview me in reference to a gentleman from his State. He inquired about the gentleman, and I recalled to his mind the fact that Capt. Brian had reported him as incompetent, and yet that man got the leave due him. The law does not make any distinction.

Mr. SAYERS. Do you think that if we give you \$100,000 it will run you to the end of the fiscal year?

Mr. BENEDICT. Yes, sir.

Mr. SAYERS. Without another deficiency?

Mr. BENEDICT. So far as I know. There has been no demand from any Department.

Mr. SAYERS. About how much will it take to pay leaves of absence?

Mr. BENEDICT. Those discharged on the 19th of May have estimated at \$50,000. I presume that estimate was made by the timekeeper, and he would give me the same information if I were to ask him.

Mr. CANNON. How long would it take you to get that information?

Mr. BENEDICT. Only a few minutes, including those who have been discharged. I think if you make this deficiency appropriation, you should make it larger, or amend the law so as to obviate this difficulty under the decision of the Court of Claims; so that when the Public Printer, either by death, resignation, or discharge, is called upon to settle an account, he can pay a man off under the statute which shows he is entitled to two and a half days' accrued leave for every month's service. This is just.

Mr. SAYERS. Would you favor the addition to this bill of a clause amending the law to provide that where a man is discharged from the Government Printing Office,

not for political reasons, but in case where he resigns, that he should forfeit his pay for leave of absence?

Mr. BENEDICT. I would not favor such a clause.

Mr. SAYERS. You would let him have it?

Mr. BENEDICT. Yes, sir. A man does not know the service when he enters the office. It is a high service, and he may be innocent in his action.

Mr. SAYERS. Suppose we make this appropriation of \$100,000 which you desire? You say you can take care of the Interior Department out of that?

Mr. BENEDICT. You might allot \$20,000 to the Interior Department.

Mr. SAYERS. You can take care of your own office?

Mr. BENEDICT. Yes; and the Congressional work. I must know that I am going to have money to pay off my employes, or else I can not pay the pay roll which will come due a week from Monday. I can not do that without some appropriation by resolution, or making some money available in the Treasury for my use.

Mr. SAYERS. You can not wait until we pass the deficiency bill?

Mr. BENEDICT. No; I must know that the money is in sight or they will not honor my draft.

Mr. SAYERS. There are some items, such as material, etc., which would not necessarily have to be paid. It ought to be paid for in cash, but, like a great many things which the Government purchases, cash is not always paid?

Mr. BENEDICT. Yes, sir; but, as soon as I draw an order, that is charged against me. If I go up to the office and draw an order for \$10,000 against the Interior Department it is charged against my account.

Mr. SAYERS. How long will the fund which you have on hand last you?

Mr. BENEDICT. I assume that I can keep going on this money up to the 20th of this month.

Mr. CANNON. But if you do not think you are going to get it, you will have to commence to curtail at once?

Mr. BENEDICT. Yes, sir; I have talked to the foreman about that. The Patent Office publications will have to be stopped unless we can get it.

SATURDAY, June 9, 1894.

AGRICULTURAL DEPARTMENT.

STATEMENT OF MR. W. E. MYERS, CLERK, FIRST COMPTROLLER'S OFFICE.

Mr. BRECKINRIDGE. You ask, in Ex. Doc. No. 236, a deficiency appropriation of \$76.47. Please explain the item.

Mr. MYERS. It is the case where a clerk took the money from the wrong account—the account of the pathological investigation of 1892—and placed it to another account. We simply want to transfer that to another appropriation.

Mr. CANNON. You used the money appropriated for another purpose, and you simply want to settle the accounts?

Mr. MYERS. We want authority to transfer. We must have the warrant of an appropriation.

SATURDAY, June 9, 1894.

NAVY PAY CLAIMS.

STATEMENT OF ROBERT B. LINES, ATTORNEY REPRESENTING A NUMBER OF THE OLDER OFFICERS OF THE NAVY.

Mr. SAYERS. You are the direct representative of certain claims that have been thrown out by Congress?

Mr. LINES. They have not been appropriated for by Congress on account of a restrictive limitation in the bill of 1889 imposed by the Senate, where the Senate by inconsiderate and hasty action repealed or attempted to repeal it in the deficiency bill of last year, and provided that the claims of those appropriated for should be paid without regard to limitation. The House conferees, however, did

not agree with that, for some reason, and it is on that account that I appear before you, instead of before the Senate.

Mr. CANNON. Without legislation of appropriation, these parties whom you represent are without remedy? While you come, as you claim, on account of the decision of the Supreme Court, you are barred by the statute?

Mr. LINES. We are barred by the special provision in the deficiency bill of 1889. The repeal of that provision would relieve the money which is now held up in the Treasury, and which can not be used for any other purpose; but it would not add a dollar to this or any other appropriation bill; and that is what we are asking for.

The CLERK. During the 50th Congress these claims were certified to Congress and were appropriated for by the House. In the Senate an amendment was put in, restricting the payment of the claims to those which had accrued more than six years prior to the commencement of the test case brought in the Court of Claims, but did not reduce the amount of money in the bill. This gentleman wants a repeal of that restriction, so that that money can be used.

Mr. CANNON (To Mr. Lines). Have you any remedy? Can you go to the Court of Claims?

Mr. LINES. We can not under the law as it stands now.

Mr. BRECKINRIDGE. In the Senate Mr. Chandler put on a limit by which the young officers get pay and the old officers are cut out; and while the aggregate in the bill was not diminished, it can not be paid to the older officers, because all the persons who are within six years have received their money, and that limitation of the statute bars everybody else, so that the money is appropriated but lying in the Treasury and can not be used by these particular people who have claims upon it.

Mr. CANNON. Independent of the Chandler amendment, could these people have gone into the Court of Claims?

Mr. LINES. At the time the Chandler amendment was passed I presume they could; but that raises a further question which has been discussed in this brief and which I hope you will read. The question is whether it has ever been the policy of Congress to compel all persons having claims of a particular class to bring the claims individually into the Court of Claims. I say it has never been the policy of Congress to compel complainants to do that.

Mr. CANNON. The accounting officers refuse certain payments. These parties sued in the Court of Claims and the case went to the Supreme Court upon appeal, as they thought the accounting officers were mistaken, and this somebody brought suit in the Court of Claims and the Supreme Court overruled the accounting officers and rendered judgment. Now these claims, in pursuance of that decision, were adjudicated in the Treasury Department, and the Chandler amendment only withheld payment from such claimants as had no standing before the Court of Claims, because they were barred by the statute of limitations in that court; and now you think they have such equities that they ought not to be barred by the statute, and that Congress ought to pay them anyway?

Mr. LINES. I do. Section 1063 of the Revised Statutes expressly provides for bringing these suits in the Court of Claims. It has always been the policy and the law that the accounting officers should settle claims without regard to the date of their origin, but upon the law as laid down by the decision of the Supreme Court. Those claims originated in 1835. The law was not construed until 1870, or later, upon petition of Capt. Graham, which was filed in the Court of Claims in 1872. Every deficiency bill for every year since that decision of the Supreme Court of the United States has made an appropriation of money for the payment of these naval claims originating from 1830 to 1870 without regard to date. That is done for the simple reason that the Government has never imposed any limitation upon itself with respect to an accounting officer, although that has been twice or three times attempted. The matter of the limit of the time of the settlement of claims in the Treasury Department was promptly repealed as to certain class of claims, and within a few months it was repealed in full for all this class of claims. The passage of the statute was recommended originally by Secretary Folger, and was incorporated in one of the appropriation bills. There is no general statute bearing upon the Treasury Department, and the reason why the claims of the accounting officers should be settled in the Treasury Department rather than to have them bring individual suits in the Court of Claims is very plain. The Court of Claims and the Department of Justice would be overwhelmed if such suits were necessary in those cases. You have never proposed to place a general limitation upon the Treasury Department.

With the permission of the chairman, I would like to make a few remarks as to how this Chandler amendment originated. You gentlemen who know him know that he is a very tenacious man. I do not think he liked the decision of the Supreme Court turning down his order as Secretary of the Navy, and the result was this action when he came into the Senate. These claims were before the Committee on Appropriations without distinction. Mr. Chandler came into the Senate in 1889, and introduced this amendment that year on a deficiency bill, that "this approbation

should extend to all claims now pending." Legislation of that sort upon a deficiency bill did not meet the approval of the subcommittee, and the legislation would not have passed, if these parties had been accorded a hearing. I undertake to say that the case is now reopened, because the deficiency bill of last year has repealed this proviso. Senator Chandler and Senator Hill are now very well satisfied that they are wrong, and have done these parties an injustice, and desire to have it remedied.

Mr. SAYERS. Supposing a repealing clause should be put upon the deficiency bill, how much would be involved?

Mr. LINES. If this clause were repealed it would release \$96,000. I had a conversation a moment ago with Maj. French, of the Second Comptroller's office, about the matter, and he told me those were the figures. There is something over \$100,000 more which under this legislation could not be paid out, because it would not be released but may hereafter be, if you choose to allow them to come up from the Treasury Department.

Mr. SAYERS. Then there would be \$100,000 in addition to this \$96,000?

Mr. LINES. Something like that.

Mr. SAYERS. So that the sum total would be \$200,000?

Mr. LINES. I believe that is about the amount.

Mr. SAYERS. When was this decision made?

Mr. LINES. It was about 1888, I think. The first decision is in 120 U. S.; and the second is in 125 U. S. In addition to seeing that these claims are not only legally but equitably treated, if you are going to impose a limitation retroactive, or in any other way, make it general—

Mr. CANNON. We have.

Mr. LINES. Make it general against all the officers of the Navy, and do not discriminate against the older officers in favor of the younger officers.

—
SATURDAY, June 9, 1894.

AUDITED CLAIMS—SECOND COMPTROLLER'S OFFICE.

STATEMENT OF MAJ. GEORGE H. FRENCH, CHIEF OF NAVY DIVISION, SECOND COMPTROLLER'S OFFICE, ACCOMPANIED BY ALFRED THOMAS, CLERK SECOND COMPTROLLER'S OFFICE.

Mr. SAYERS. There is an item on page 18, Ex. Doc. 93, under the head of Barracks and Quarters.

Mr. FRENCH. Mr. Thomas will speak of those items on page 18.

Mr. SAYERS (to Mr. Thomas). There are some items here under the head of Barracks and Quarters. There are three items, and one of them has been rejected by the accounting officers.

Mr. THOMAS. They were for occupation of property by the Army during the civil war.

Mr. SAYERS. Are they not war claims, properly?

Mr. THOMAS. Yes, sir; they are war claims coming from the War Department to us.

Mr. SAYERS. Did these barracks belong to private individuals?

Mr. THOMAS. In one case they did, and in two other cases they belonged to the county. They were court-houses.

Mr. SAYERS. They did not belong to the Federal Government?

Mr. THOMAS. No; they were all private in that respect.

Mr. CANNON. Under what act do they come here?

Mr. THOMAS. They do not come under any act, but under an implied contract.

Mr. SAYERS. They were merely buildings occupied by the Government.

Mr. THOMAS. Except those which have come through the Court of Claims. There was a conversation between the county judge and the officer of the Army. The owner agreed that the officer of the Army might take them, but there was no express contract to pay any particular amount.

Mr. CANNON. This comes under what legislation?

Mr. THOMAS. It comes under the act of 1789, organizing the Treasury Department, and the Second Comptroller has charge of all claims originating in the War Department.

Mr. SAYERS. Did Mr. Mansur, as Second Comptroller, certify these claims?

Mr. THOMAS. Yes, sir; I believe he certified to every one of them. One has heretofore been disallowed by his predecessor.

Mr. CANNON. Which one?

Mr. THOMAS. The case of Hopkins County, Ky. It was reopened.

Mr. SAYERS. Why are they not "Fourth of July claims?"

Mr. THOMAS. Because those claims did not cover anything but personal property. Quartermaster's stores are covered by those claims.

Mr. SAYERS. Has it been heretofore investigated by your office and certified.

Mr. THOMAS. Yes, sir. I used to come up here in old times to testify before this Committee on Appropriations, when Mr. Randall, Mr. Cannon, and others were in charge.

Mr. SAYERS. The statute of March 4, 1864, provides that all claims for quartermaster's stores actually furnished to the Army may be submitted to the Quartermaster-General of the United States, and that the Quartermaster-General shall cause them to be examined, and if they are just, they are to go to the Third Auditor with a recommendation for settlement?

Mr. BRECKINRIDGE. Those are quartermaster's stores?

Mr. THOMAS. No.

Mr. SAYERS. Then what is their status?

Mr. THOMAS. They are reported here under the general power of the Treasury Department to settle all claims.

Mr. SAYERS. You said this was a contract.

Mr. THOMAS. An implied contract.

Mr. SAYERS. You think whenever the Government takes possession of real or personal property, then there was an implied contract to pay for it?

Mr. THOMAS. Personal property, or quartermaster's stores. If it were not for the "Fourth of July claims," we would settle both.

Mr. SAYERS. Your idea is that there was an implied contract that the Government should pay, if it took possession of property?

Mr. THOMAS. Yes, sir; that would be the case, if there were not any "Fourth of July" claims act.

Mr. SAYERS. To what Department do you belong?

Mr. THOMAS. To the Second Comptroller's Office, Treasury Department.

Mr. SAYERS. That is Mr. Mansur's department?

Mr. THOMAS. Yes, sir. I was there long before he was.

Mr. BRECKINRIDGE. In these cases, as I understand you, there was a conversation between the Army officer and the judge, by which the Army officer obtained possession of the building under promise to pay?

Mr. THOMAS. Yes; that it would be paid for by the Government; but there was no agreement to pay any particular amount and we held there is no need of an agreement to pay any particular amount under the decision. The accounting officers and Congress have always paid them.

Mr. CANNON. Which one of these claims do you say has been heretofore rejected and reviewed?

Mr. THOMAS. It is the Caldwell County claim.

Mr. SAYERS. Who were the attorneys?

Mr. THOMAS. I do not recollect.

Mr. SAYERS. How came it to be reopened?

Mr. THOMAS. On a motion of the parties themselves.

Mr. SAYERS. Does the Second Comptroller reopen a case after it has been settled for many years?

Mr. THOMAS. Yes, sir.

Mr. SAYERS. How long had that been settled when the present Second Comptroller went into office?

Mr. THOMAS. It was settled by Mr. Butler.

Mr. SAYERS. Give the name of the case.

Mr. THOMAS. It is the Caldwell County, Ky., claim, U. S. Judge Randolph. It was rejected in 1890. Comptroller Butler would not allow these claims. He held that there must be an express contract.

Mr. SAYERS. Mr. Cannon asked you by whom it was first rejected. We want the history of it.

Mr. THOMAS. It is reported to be allowed by the Auditor in June, 1888, and was disallowed by the Comptroller June 12, 1888.

The CHAIRMAN. Who was the Comptroller then?

Mr. THOMAS. It was disallowed in 1888 by Mr. Butler, Second Comptroller.

Mr. SAYERS. Give the history of that case.

Mr. THOMAS. It was recommended for allowance by the Auditor in 1888 and disallowed by the Comptroller in the same month.

Mr. CANNON. When was the motion made to reopen?

Mr. THOMAS. January 14, 1894.

Mr. LIVINGSTON. Who made the motion?

Mr. THOMAS (reading): "Claim disallowed without prejudices to filing further proof. Filed further proof, and it was reopened."

Mr. CANNON. I think there was a motion to reopen, which was overruled.

Mr. THOMAS. I do not think there was.

Mr. CANNON. You referred to one in 1892.

Mr. FRENCH. In 1892 Comptroller Gilkeson, in answer to an inquiry from Mr. Gitt, states: "There is no reason why my former decision should be disturbed." Since then they have taken it up and reopened it.

Mr. SAYERS. Is there any further proof?

Mr. THOMAS (reading):

This claim is reopened upon petition and evidence submitted, and most respectfully referred to the honorable Third Auditor.

C. H. MANSUR,
Comptroller.

Mr. SAYERS. Was there any proof accompanying it?

Mr. THOMAS. There must have been. When Mr. Mansur took up these papers first he wanted me to make a brief.

Mr. CANNON. There is no brief in this case. Was any filed?

Mr. THOMAS. Yes, sir.

Mr. BRECKINRIDGE. Where is it?

Mr. THOMAS. It must have been filed.

Mr. BRECKINRIDGE. Are not all the papers there? See if you can not find it?

Mr. THOMAS (examining papers). They are here, but I can not tell it, except by date.

Mr. BRECKINRIDGE. There is no reference to it in the testimony or in any memorandum here?

Mr. THOMAS. It does not give the testimony. It was only given to satisfy the Comptroller that he had power to allow the claim.

Mr. CANNON. I suspect the truth is that the Comptroller took a different view of the law, and you made up this memorandum; but there does not seem to be any new evidence?

Mr. THOMAS. There must have been.

Mr. CANNON. You say "There must have been?"

Mr. THOMAS. This is one of Col. Dudley's cases (producing paper).

Mr. CANNON (examining paper). This seems to be an argument?

Mr. THOMAS. That is a case of W. W. Dudley.

Mr. CANNON. He makes the point that loyalty is not a condition precedent. Are all these cases reopened?

Mr. THOMAS. No.

Mr. CANNON. Do they all involve the same principle?

Mr. THOMAS. Precisely, I believe.

Mr. CANNON. There are certain items here, one from Henry W. Stroll. That is a claim for \$70 in 1889, which is since the war; it is for clothing.

Mr. THOMAS. I did not bring up the papers in that case.

Mr. CANNON. The next is a case from Kansas.

Mr. THOMAS. That is advertising on a voucher approved by the Secretary of War.

Mr. SAYERS. On page 21 there is an item for the Security Insurance Company—Mary E. Dow, widow of John E., deceased, \$4,000. Give us the history of that case.

Mr. THOMAS. I have not brought the history of that case, but I can tell it to you.

Mr. SAYERS. Can you explain that item?

Mr. THOMAS. These were claims of an insurance company to be subrogated to the rights of owners of a steam vessel taken into the service of the Government during the civil war and lost. Under the act of 1849 the Government agreed it would pay for all such vessels. It paid the value of the vessel, deducting the amount paid by the insurance company, and the insurance company has put in a claim, and this is one of those claims.

Mr. SAYERS. Has this claim been rejected?

Mr. THOMAS. I do not know.

Mr. SAYERS. Please see. State when it was presented?

Mr. FRENCH. It was originally presented in 1871 for loss of a steamboat, and I was trying to see whether this identical question was not involved in that.

Mr. SAYERS. Give us the history of the claim as it passed through the office.

Mr. THOMAS. I have it here in my own handwriting.

Mr. SAYERS. If that claim was presented in 1871, when was it finally passed upon?

Mr. THOMAS. November, 1893.

Mr. SAYERS. That is twenty-one years. Why is it that a claim was so long in being passed upon?

Mr. THOMAS. There are several reasons. It is a claim of an assignee of an insurance company. The insurance company was insolvent, and the claim was sold. This is the claim of the assignee.

Mr. SAYERS. Have you the amount?

Mr. THOMAS. Yes, sir; and it is a small sum.

Mr. FRENCH. There is a decision under Mr. Broadhead as to the value of the vessel, and he deducted the insurance. The paper shows that he disallowed the insurance.

Mr. THOMAS. The paper shows he disallowed the insurance to the owner of the vessel; but he found that the insurance had been paid, and he held it back from the owner.

Mr. SAYERS. How much is the amount of the transfer?

Mr. THOMAS. It is a small sum.

Mr. FRENCH. The insurance is \$14,000.

Mr. THOMAS. That is for all the companies.

Mr. SAYERS. Can you give us any information about this claim?

Mr. THOMAS. I can.

Mr. SAYERS. Why don't you do it, then?

Mr. THOMAS. It was sold at an assignee's bankrupt sale, and was bought by Dow for a nominal sum, \$200 or \$300.

Mr. SAYERS. Has it not been decided by the Comptroller's office that in all such cases the insurance companies must take their own risk?

Mr. THOMAS. No, sir; it has been decided the other way. It was first decided by Mr. Mayer that when an insurance company has a risk and a vessel is put into the Government service the insurer is second to the right of the owner.

Mr. SAYERS. Who is the attorney in this case now? Can you find out for us?

Mr. THOMAS. The attorney's name is Logan, of St. Louis.

Mr. SAYERS. This was in 1870?

Mr. THOMAS. Yes, sir.

Mr. SAYERS. Why was it not acted upon before this?

Mr. THOMAS. The reason was that the insurance company was insolvent and went into the hands of a receiver, and the property was bought by this claimant.

Mr. SAYERS. When did the claimant buy it?

Mr. THOMAS. I do not know. That appears in the papers.

Mr. SAYERS. How long has this claim been pending, and why is it that it has not been decided before?

Mr. THOMAS. It was presented in 1870. The accounting officer found the value of the vessel, and that so much was due to the insurance company and the balance due to the owner. He held the amount claimed by the insurance company to be paid out whenever they made out their case before the accounting officer. This claim is delayed for those reasons.

Mr. CANNON. It seems that in 1870 the claim of the insurance company was rejected?

Mr. THOMAS. No.

Mr. FRENCH. I said it seemed that in 1871, when the Comptroller made the ruling, he took into account the insurance.

Mr. THOMAS. No.

Mr. FRENCH. I said I was not informed about it.

Mr. CANNON. What is to hinder this party going to the Court of Claims?

Mr. THOMAS. The statute of limitations.

Mr. CANNON. When was this claim filed?

Mr. THOMAS. In 1870.

Mr. SAYERS (after examining papers). Here is a power of attorney by Edmund Fitch, of the city of New York, appointing John W. Butterfield on the 24th of January, 1885; and now Mr. Butterfield, the attorney, makes application for allowance, June 7, 1893.

Mr. CANNON. Then this claim never was filed until 1893?

Mr. THOMAS. It was when the claim of the steamboat company was filed.

Mr. SAYERS. Here is a paper signed "H. S. Cummings, attorney," dated Washington, D. C., August 15, 1893, for reimbursement of losses on account of the steamers *D. D. Taylor* and *Champion*. When were those vessels destroyed?

Mr. FRENCH. During the war.

Mr. THOMAS. There were two receivers appointed. That claim was by a receiver. They admitted the claim did not belong to them, but belonged to an assignee of a former receiver who sold to Dow. It was considered by the accounting officer, and the amount was held back. The insurance company was in existence then, but went into insolvency, had a receiver appointed, and then there was another receiver. Probably the first one had died, and the second receiver wanted Cummings to attend to this claim; but Cummings admitted he had no title to it.

Mr. CANNON (to Mr. Sayers). Suppose you let him examine these papers, and bring a paper to us showing when this claim was first presented and by whom, and also all the papers showing subsequent presentation of the claim. In other words, we want to see if this claim was not barred by the statute when first presented.

Mr. THOMAS. It was not. I think if you take this memorandum which I hold in my hand it will give you all the information you want.

The CLERK. It is better not to have these original papers here.

Mr. CANNON. I want to know whether these parties could have had their claim settled by suit in the Court of Claims?

Mr. THOMAS. Whether they could or not, I do not think they ought to.

Mr. SAYERS (to Mr. French). On page 24 there are some Navy longevity cases, \$5,193. Do they come within the exception of the statute?

Mr. FRENCH. Everyone of these cases could go into the Court of Claims under the act of 1883. I have been down here before this committee on everyone of these bills since the act of 1883 was passed, and in the first session of the Fifty-first Congress I reported the case and the history, not only of the longevity pay but the sea pay cases. You will find all that evidence, together with the evidence of Comptroller Gilkeson and Auditor Lynch. These were settled in conformity with the decision of the Supreme Court. We appealed everyone of those cases but the Howell case, which is a Court of Claims case.

Mr. BRECKINRIDGE. They are all subject to payment under the decision of the Supreme Court and in accordance with the policy of Congress since this decision?

Mr. FRENCH. Yes, sir. They have been investigated, and we have paid \$2,000,000 in those cases.

Mr. SAYERS. Then there is no question about it?

Mr. FRENCH. None whatever.

ABANDONED MILITARY RESERVATIONS.

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1894.

SIR: Your letter of April 5, 1894, with inclosures, relating to the claim of Simon Motz and others for compensation as custodians of the Fort Hays abandoned military reservation, was duly received and referred for consideration and report to the Commissioner of the General Land Office. The Commissioner has caused a careful examination of the matter to be made, and has to-day reported that, in his opinion, it is inexpedient to make an appropriation for the purpose mentioned.

I concur in this opinion most heartily.

Very respectfully,

HOKE SMITH,
Secretary.

HON. JOSEPH D. SAYERS,
Chairman of Committee on Appropriations, House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 11, 1894.

SIR: In compliance with your request of 6th instant, for a report and recommendation, as called for by the Congressional Committee on Appropriations, dated April 5, 1894, in the matter of claims made by Simon Motz, as custodian, and Nathaniel Robbins and W. J. Sloan, as watchmen, at the Fort Hays abandoned military reservation in Kansas, I transmit herewith a statement in duplicate, giving the names of all persons who have acted as custodian without pay, the names of the different reservations at which they have been located, the dates of their appointment, and the amount each has received at various times from special appropriations made for that purpose. Also a second statement showing the number of months each has served and an estimate showing the amount it would require to compensate each one of these employes at the minimum rate of \$480 per annum.

If the persons named in the request submitted by the chairman of the Committee on Appropriations ought to be compensated for the time they have served as custodians and watchmen, there is no reason why the other persons named in the statement herewith submitted should not be compensated also, and I am unwilling to recommend compensation for the one and to refuse a similar recommendation for the others. It will be seen from the estimates submitted that the sum of \$21,636.30 would be required to compensate all these employes for the time they will have served up to June 30, 1894.

There is no obligation resting upon the Government to pay these claims, and the condition of the Treasury will not, in my opinion, justify the appropriation of so large an amount.

I am further of the opinion that the use of the building and grounds on these several reservations will amply compensate those in charge for all the services ren-

dered by them, and that if these persons are unwilling to care for the respective reservations for such compensation that others can be found who will.

I therefore decline to recommend the appropriation.

The letter from Mr. Sayers and accompanying papers are herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

Number of months the custodians and watchmen named below have served without pay.

Custodians.	From—	To—*	Months.	Days.	Remarks.
Andrews, E. P. S.	May 13, 1891	June 30, 1894	37	19	Still in service.
Burns, Robert.	Mar. 1, 1885	Nov. 9, 1891	80	9	Except from July 1, 1889, to June 30, 1890, inclusive, twelve months, for which he was paid \$720. Out November 9, 1891.
Sprague, Henry M.	Nov. 10, 1891	Feb. 11, 1894	27	1	Out Feb. 11, 1894.
Whalen, L. M.	Feb. 5, 1894	June 30, 1894	4	17	Still in service.
Cassiday, James.	Jan. 27, 1890	....do	53	5	Except from Jan. 27, 1890, to June 30, 1890, inclusive, five months and five days, for which he was paid \$309.68. Still in service.
Davis, Edward.	Apr. 1, 1888	....do	75	-----	Except from July 1, 1889, to June 30, 1890, inclusive, twelve months, for which he was paid \$720. Still in service.
Cotaut, W. H.	Apr. 21, 1890	....do	50	10	Except from Apr. 21, 1890, to June 30, 1890, inclusive, two months and ten days, for which he was paid \$140. Still in service.
Dunn, Wm. C.	Oct. 29, 1892	....do	20	3	Still in service.
Hunton, John.	Mar. 9, 1892	....do	27	23	Except from Mar. 9, 1892, to June 30, 1892, inclusive, three months and twenty-three days, for which he was paid \$150.33. Still in service.
Motz, Simon.	Oct. 25, 1889	Jan. 16, 1894	50	23	Except from Oct. 25, 1889, to June 30, 1892, inclusive, thirty-two months and seven days, for which he was paid \$1,453.55. Out Jan. 16, 1894.
Fox, Eli.	Jan. 10, 1894	June 30, 1894	5	15	Still in service.
Robbins, Nathaniel (watchman).	Jan. 30, 1890	Jan. 30, 1894	48	2	Except from Jan. 30, 1890, to June 30, 1890, inclusive, five months and two days, for which he was paid \$303.87. Out Jan. 30, 1894.
Sloan, W. J. (watchman). ....	....do	June 14, 1892	28	16	Except from Jan. 30, 1890, to June 30, 1890, inclusive, five months and two days, for which he was paid \$303.87. Out June 14, 1892.
Fox, Geo. C. (watchman).	Feb. 19, 1894	June 30, 1894	4	10	Still in service.
Levick, Thos. (watchman). ....	....do .....	....do	4	10	Do.
Gooding, Walter C.	Nov. 2, 1891	Apr. 25, 1893	17	24	Out Apr. 25, 1893.
Do.	Nov. 14, 1893	June 30, 1894	7	17	Still in service.
Head, Wm. S.	Sept. 27, 1892	....do	21	4	Do.
Magoonagh, Bernard.	June 23, 1885	....do	108	8	Except from July 1, 1888, to June 30, 1890, inclusive, twenty-four months, for which he was paid \$1,620. Still in service.
Minor, W. H.	June 10, 1890	June 30, 1893	36	21	Except from June 10, 1890, to June 30, 1890, inclusive, twenty one days, for which he was paid \$40. Out June 30, 1893.
McCrohan, John.	Mar. 1, 1894	June 30, 1894	4	-----	Still in service.
Rhodes, Wm. B.	Dec. 8, 1888	....do	66	24	Except from July 1, 1889, to June 30, 1892, inclusive, twenty-four months, for which he was paid \$1,680. Still in service.
Thompson, Wm. W.	Jan. 20, 1890	Apr. 15, 1893	38	27	Except from Jan. 20, 1890, to June 30, 1892, inclusive, twenty-three months and twelve days, for which he was paid \$1,283.23.

* Inclusive.

Statement showing names of persons who are now serving as custodians at various abandoned military reservations, without compensation, and those who have served, but whose services were dispensed with without being compensated for such service, except in part as shown by notes attached.

Custodian.	Reservation.	Appointed.	Entered on duty.	Oath.	Remarks.	Period for which certain custodians were paid.
Andrews, E. P. S.	Fort McDowell, Phoenix, Ariz.	May 5, 1891	.....	May 13, 1891	Without pay.	Without pay.
Burns, Robert.	Fort Sullivan, Eastport, Me.	Feb. 28, 1885	.....	.....	Without pay. Services dispensed with Nov. 9, 1891.	Paid \$720 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Sprague, Henry M.	do	Oct. 30, 1891	.....	Nov. 10, 1891	Without pay. Services dispensed with Feb. 11, 1894.	.....
Whalen, L. M.	do	Feb. 5, 1894	.....	Feb. 12, 1894	Without pay.	.....
Cassiday, James	Fort Lyon, Las Animas, Colo.	Jan. 8, 1890	Jan. 27, 1890	May 7, 1891	.....	Paid \$309.68 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Davis, Edward	Fort Ripley, Fort Ripley, Minn.	Aug. 1, 1890	.....	Oct. 26, 1892	With pay until Mar. 31, 1898, when his services were dispensed with, but he was allowed to remain on and in charge of the reservation without compensation.	Paid \$720 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Cotant, William H.	Fort Halleck, Halleck Station, Nev.	Mar. 24, 1890	Apr. 21, 1890	Apr. 17, 1890	Without pay.	Paid \$140 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Dunn, William C.	Fort Lowell, Tucson, Ariz.	Oct. 17, 1892	.....	Oct. 23, 1892	Without pay, but with the privilege of residing on the reservation.	.....
Field, John	Fort Laramie, Laramie, Wyo.	Jan. 8, 1890	Mar. 1, 1890	.....	Without pay. Services dispensed with Mar. 8, 1892.	Paid \$240 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000; also paid \$804.37 for fiscal years 1891-92; deficiency appropriation act July 23, 1892, \$5,280.
Hunton, John	do	Feb. 23, 1892	.....	Mar. 9, 1892	Without pay. Accepts position with no expectation of being paid.	.....
Motz, Simon.	Fort Hays, Hays City, Kans.	Oct. 25, 1889	.....	July 9, 1891	Without pay, unless provided for in the future by Congress. Services dispensed with Jan. 16, 1894.	Paid \$493.55 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000; also paid \$960 for fiscal years 1891-92; deficiency appropriation act July 23, 1892, \$5,280.
Fox, Eli	do	Jan. 10, 1894	.....	Jan. 17, 1894	Without pay.	.....
Robbins, Nathaniel (watchman).	do	Jan. 30, 1890	Nov. 22, 1890	.....	Without pay. Resigned Jan. 30, 1894.	Paid \$303.87 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Sloan, W. J. (watchman).	do	do	Jan. 9, 1890	July 9, 1891	Without pay. Services dispensed with June 14, 1892.	Do.
Fox, Geo. C. (watchman).	do	Feb. 10, 1894	Feb. 19, 1894	Feb. 17, 1894	Without pay.	.....
Levick, Thomas (watchman).	do	do	do	do	do	.....
Gooding, Walter C.	Fort Abraham Lincoln, Fort Abraham Lincoln, N. Dak.	Oct. 24, 1891	.....	Nov. 2, 1891	Without pay. Services dispensed with Apr. 23, 1893.	.....
Do.	do	Nov. 3, 1893	.....	Nov. 14, 1893	Without pay, but allowed to reside on the reservation.	.....

Head, William S.....	Fort Verde, Camp Verde, Ariz.	Sept. 27, 1892	.....	.....	Without pay	Paid \$900 for the fiscal year 1889 from the regular appropriation for the year 1889, less the amount received from rent of buildings, etc.; also paid \$720 for fiscal year 1890, deficiency appropriation act Mar. 3, 1891, less amount received from rent of buildings, etc.
Magonaugh, Bernard.	Fort Verde, Camp Verde, Ariz.	June 17, 1885	.....	June 23, 1885	.....do	Paid \$530 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Moulder, William P.	Fort McDermitt, Winnemucca, Nev.	Sept. 16, 1889	.....	.....	Without pay. Services dispensed with June 9, 1890.	Paid \$40 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000.
Minor, William H.	do	Apr. 30, 1890	.....	June 10, 1890	Without pay. Services dispensed with June 30, 1893.	
McCrohan, John	Fort Elliott, Mobeetie, Wheeler Co., Tex.	Feb. 12, 1894	.....	Feb. 28, 1894	Without pay	
Rhodes, William B.	Fort Dodge, Fort Dodge, Kans.	Nov. 24, 1888	.....	Dec. 8, 1888	.....do	Paid \$720 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000; also paid \$960 for fiscal years 1891-'92; deficiency appropriation act July 28, 1892, \$5,280.
Thompson, Wm. W.	Fort Fred Steele, Fort Fred Steele, Wyo.	Jan. 8, 1890	.....	July 11, 1891	Without pay. Services dispensed with Apr. 15, 1893.	Paid \$323.23 for fiscal year 1890; deficiency appropriation act Mar. 3, 1891, \$10,000; also paid \$960 for fiscal years 1891-'92; deficiency appropriation act July 28, 1892, \$5,280.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1894, and prior years, by the General Land Office.

Salaries of custodians and watchmen of abandoned military reservations:

To pay salaries of the following custodians and watchmen of abandoned military reservations, at a rate not exceeding \$480 each per annum, viz:

Andrews, E. P. S., at Fort McDowell, Phoenix, Ariz., from May 13, 1891, to June 30, 1894, inclusive	\$1,504.65
Burns, Robert, at Fort Sullivan, Eastport, Me., from July 1, 1890, to November 9, 1891, inclusive	652.14
Sprague, Henry M., at Fort Sullivan, Eastport, Me., from November 10, 1891, to February 11, 1894, inclusive	1,083.76
Whalen, L. M., at Fort Sullivan, Eastport, Me., from February 12, 1894, to June 30, 1894, inclusive	183.97
Cassiday, James, at Fort Lyon, Las Animas, Colo., from July 1, 1890, to June 30, 1894, inclusive	1,920.00
Davis, Edward, at Fort Ripley, Fort Ripley, Minn., from July 1, 1890, to June 30, 1894, inclusive	1,920.00
Cotant, W. H., at Fort Halleck, Halleck Station, Nev., from July 1, 1890, to June 30, 1894, inclusive	1,920.00
Dunn, Wm. C., at Fort Lowell, Tucson, Ariz., from October 29, 1892, to June 30, 1894, inclusive	803.51
Huntton, John, at Fort Laramie, Laramie, Wyo., from July 1, 1892, to June 30, 1894, inclusive	960.00
Motz, Simon, at Fort Hays, Hays City, Kans., from July 1, 1892, to January 16, 1894, inclusive	741.33
Fox, Eli, at Fort Hays, Hays City, Kans., from January 17, 1894, to June 30, 1894, inclusive	218.70
Robbins, Nathaniel (watchman), at Fort Hays, Hays City, Kans., from July 1, 1890, to January 30, 1894, inclusive	1,720.00
Sloan, W. J. (watchman), at Fort Hays, Hays City, Kans., from July 1, 1890, to June 14, 1892, inclusive	938.86
Fox, Geo. C. (watchman), at Fort Hays, Hays City, Kans., from February 19, 1894, to June 30, 1894, inclusive	174.63
Levick, Thomas (watchman), at Fort Hays, Hays City, Kans., from February 19, 1894, to June 30, 1894, inclusive	174.63
Gooding, Walter C., at Fort Abraham Lincoln, Fort Abraham Lincoln, N. Dak., from November 2, 1891, to April 25, 1893, inclusive	711.20
Gooding, Walter C., at Fort Abraham Lincoln, Fort Abraham Lincoln, N. Dak., from November 14, 1893, to June 30, 1894, inclusive	302.57
Head, Wm. S., at Fort Verde, Camp Verde, Ariz., from September 27, 1892, to June 30, 1894, inclusive	845.27
Magoonauagh, Bernard, at Detroit Arsenal, Dearborn, Mich., from July 1, 1890, to June 30, 1894, inclusive	1,920.00
Minor, W. H., at Fort McDermitt, Winnemucca, Nev., from July 1, 1890, to June 30, 1893, inclusive	1,440.00
McCrohan, John, at Fort Elliott, Mobeetie, Wheeler County, Tex., from March 1, 1894, to June 30, 1894, inclusive	161.30
Rhodes, Wm. B., at Fort Dodge, Fort Dodge, Kans., from July 1, 1892, to June 30, 1894, inclusive	960.00
Thompson, Wm. W., at Fort Fred Steele, Fort Fred Steele, Wyo., from July 1, 1892, to April 15, 1893, inclusive	379.78
Total submitted	21,636.30

NOTE.—The above-named persons were appointed to serve as custodians and watchmen of the several abandoned military reservations, without pay, unless provided for in the future by Congress. It would require the several amounts named herein and set opposite the names of the persons who have served and are now serving as custodians and watchmen to be appropriated, in order that they might be compensated for their services during the time that they have been and may be employed up to and including June 30, 1894, at the rate of \$480 per annum.

DEPARTMENT OF THE INTERIOR,

General Land Office, June 11, 1894.

S. W. LAMOREUX,
Commissioner.

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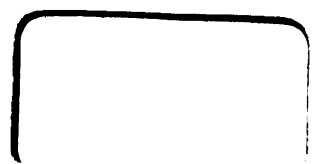
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